

CONTESTED AGENDA

Wednesday, July 24, 1991

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT OF SUBSTANTIAL NONCOMPLIANCE AND ORDER FINDING NO FURTHER ACTION IS NECESSARY OF THE SAN JACINTO RIVER AUTHORITY PERMIT # 11401-01. (SHAVER)

Issue Agreed Order, BJW/JH

Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT OF SUBSTANTIAL NONCOMPLIANCE AND ORDER FINDING SUBSTANTIAL NONCOMPLIANCE AND FINDING NO FURTHER ACTION IS NECESSARY OF THE CITY OF DAYTON SOUTHWEST WASTEWATER TREATMENT PLANT PERMIT # 10563-03. (SHAVER)

Issue Agreed Order, BJW/JH

Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S FIRST SUPPLEMENTAL PRELIMINARY REPORT AND FIRST SUPPLEMENTAL PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF CARROLL MERLICK AND LABEL AND PACKAGING CORPORATION OF AMERICA, SWR NO. 38623, AND THE EXECUTIVE DIRECTOR'S MOTION TO REMAND CARROLL MERLICK TO THE OFFICE OF HEARINGS EXAMINERS AND CONSOLIDATE WITH THE EXECUTIVE DIRECTOR'S COMPLAINT AGAINST LABEL & PACKAGING CORPORATION OF AMERICA. (HALL)

Remand to Office Hearings Examiner, JH/BJW

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF BRIDGEPORT, PERMIT NO. 10389-002. (Smith, J.)

Remand to Office Hearings Examiner, BJW/JH

Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF HCH UTILITY COMPANY, INC., PERMIT NO. 11974-001. (Ligarde)

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

Item 6. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF HOECHST CELANESE CHEMICAL GROUP, INC. FOR PERMIT NO. WDW-277 to authorize the operation of a hazardous waste disposal well in Matagorda County, Texas. Applicant seeks authorization to dispose of Class I hazardous materials. Recommendation: Issuance of permit. (Wood)

Approve Staff Recommendation, w/changes to permit as recommended by Chairman Hall, JH/BJW

Item 7. FOR CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TEXAS WATER COMMISSION ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN

ACTIONS OF STAR ENTERPRISE - WASKOM BULK TERMINAL; SWR 35841  
(RENBARGER)

Cont. to September 25, 1991, at 9:00 a.m.

- Item 8. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF KILLAM INDUSTRIAL DEVELOPMENT PARTNERSHIP, LTD., NO REGISTRATION. (Smith, J.)

Issue Agreed Order, JH/BJW

- Item 9. 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.

Cont. to July 31, 1991 at 9:00 a.m.

- Item 10. CONSIDERATION OF CERTIFIED ISSUE CONCERNING THE APPLICATION OF PHILLIPS 66 PERMIT NO. HW 50256 to authorize the operation of a non-commercial hazardous waste incinerator in Brazoria County (The Examiner certifies to the Commission the issue of the effect S.B. 1099 has on the hearing of this application for a non-commercial hazardous waste incinerator.) (Mary Sahs)

Cont. to July 31, 1991 at 9:00 a.m.

- Item 11. APPLICATION BY CARL A. LUECK for a permit (Proposed Permit No. 03264) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 500 head in confinement. The dairy is adjacent to and east of Farm-to-Market Road 1702, approximately 1.5 miles south of the intersection of Farm-to-Market Road 1702 and Farm-to-Market Road 219 in Erath County, Texas.

Issue Permit, JH/BJW

- 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.

NO ACTION TAKEN

ADDENDUM TO UNCONTESTED AGENDA

Wednesday, July 24, 1991

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item carried forward from July 24, 1991, 9:00 a.m. agenda.

- Item 39. 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)

CONTESTED OLD BUSINESS

Wednesday, July 24, 1991

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item carried forward from the Agenda of March 6, 1991 and April 10, 1991 and May 1, 1991.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTORS INVESTIGATION INTO THE OPERATIONS AND SERVICES RENDERED BY R.C. D/B/A/ LAWSON WATER SERVICE/ ORANGE COUNTY, TEXAS. (KEILS, K.) D-8809

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

Item carried forward from Agenda of May 22, 1991.

- Item 2. 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)

Issue Agreed Order, BJW/JH

Item carried forward from Agenda of June 24, 1991.

- Item 3. 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 July 31, 1991 at 9:00 a.m.

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

- Item 4. 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.

Approve Staff Recommendation, JH/BJW

Item carried forward from Agenda of March 27, and July 17, 1991.

- Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AGAINST WELLMAN INDUSTRIES, INC. AND THOMAS ECK AND REQUIRING CERTAIN ACTIONS OR WELLMAN INDUSTRIES, INC., H.T. WELLMAN, THOMAS ECK, AEGON USA REALTY ADVISORS, INC., AND SIGNAL CAPITAL CORPORATION. SWR NO. 33350. (DICKMAN, S)

Cont. to September 25, 1991 at 9:00 a.m.

Item carried forward from Agenda of June 24, and July 17, 1991.

- Item 6. 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.

Issue Order as Proposed by General Counsel, BJW/JH

Item carried forward from Agenda of June 24, and July 17, 1991.

- Item 7. 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.).

Issue Agreed Order, BJW/JH

Item carried forward from Agenda of June 24, and July 17, 1991.

- Item 8. COMMISSION CONSIDERATION OF DIAZINON IMPACTS AND BIOMONITORING ISSUES AFFECTING TEXAS MUNICIPALITIES. (Randy Palachek)

Cont. to July 31, 1991 at 9:00 a.m.

ADDENDUM TO CONTESTED OLD BUSINESS

Wednesday, July 24, 1991

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item carried forward from Agenda of July 10, 1991.

- Item 9. 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 September 11, 1991 at 9:00 a.m.

Item carried forward from Agenda of July 10, 1991.

- Item 10. 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 July 31, 1991 at 9:00 a.m.

Item carried forward from Agenda of February 6, 1991, and May 8, June 12, and July 10, 1991.

- Item 11. 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 24, 1991 at 3:00 p.m.

UNCONTESTED AGENDA

Wednesday, July 24, 1991

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item 1. APPLICATION BY TOTAL MINERALS CORPORATION for an amendment to Permit No. URO2463-01 to expand the permit area of the West Cole Mining Project from 547.7 acres to 1281.9 acres. The existing mining operation is located approximately 1.5 miles north of Bruni, Webb County, Texas. An amendment to the aquifer exemption is also requested. The current aquifer exemption covers 547.7 acres in the Catahoula formation, ranging in depth from 335 to 610 feet above mean sea level. The amendment would add 734.2 acres to the east side of the current aquifer exemption and shall be in two levels.

Cont. to July 31, 1991 at 3:00 p.m.

Item 2. APPLICATION BY ANGELINA & NECHES RIVER RAILROAD for a permit (Proposed Permit No. 03253) to authorize a discharge of treated wastewater effluent at a volume not to exceed 20,000 gallons per day average from a site which formerly had a wood treatment facility and is presently under remediation and closure activities. The plant is located approximately 0.25 mile east of the intersection of State Highway 103 and Farm-to-Market Road 326 on the north side of State Highway 103, Angelina County, Texas.

Approved, BJW/JH

Item 3. APPLICATION BY BARBOURS CUT IMPORT SERVICE INC., AND 225/146 JOINT VENTURE for a permit (Proposed Permit No. 03323) to authorize intermittent discharges of treated wastewater at a volume not to exceed 7,500 gallons per day. The applicants operate a storage and cleaning facility for imported automobiles and trucks. The plant site is at 1728 N. Highway 146 in the City of La Porte, Harris County, Texas.

Approved, BJW/JH

Item 4. APPLICATION BY STANLEY JACKSON for a permit (Proposed Permit No. 03248) to authorize the disposal of wastes and wastewater from a dairy which consists of a maximum of 600 total head in confinement. The dairy is six miles southwest of the intersection of Interstate Highway 35-West and State Highway 174 (City of Burleson), one mile northeast of the intersection of Johnson County Roads 1016 and 914 in northern Johnson County, Texas.

Approved, BJW/JH

Item 5. APPLICATION BY HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 84 for an amendment to Permit No. 10558-01 in order to authorize a variance in the 150-foot buffer zone. Also, the proposed amendment would impose more stringent provisions for the disposal of sludge. The permit currently authorizes a discharge of treated domestic wastewater effluent in phases with the final phase at a volume not to exceed an average flow of 1,000,000 gallons per day. The wastewater

treatment facilities are at 16224 Bear Bayou Drive, southwest of the intersection of Bear Bayou Drive and North Avenue in the Old River Subdivision in Harris County, Texas.

Approved, BJW/JH

Item 6. APPLICATION BY THE CITY OF HOUSTON, Department of Public Works for an amendment to Permit No. 10495-16 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 5,000,000 gallons per day to a volume not to exceed an average flow of 7,000,000 gallons per day. The applicant operates the Fresh Water Supply District No. 23 wastewater treatment facilities. The plant site is at 8219 Kellet Street in the City of Houston in Harris County, Texas.

Cont. to July 31, 1991 at 3:00 p.m.

Item 7. APPLICATION BY SAN ANTONIO RIVER AUTHORITY for an amendment to Permit No. 10749-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 3,520,000 gallons per day to a volume not to exceed an average flow of 4,330,000 gallons per day. The plant site is at 9638 Schaefer Road in the City of Converse, approximately 1/2 mile southeast of the intersection of Farm-to-Market Roads 78 and 1516 in Bexar County, Texas.

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

Item 8. APPLICATION BY XIT FEEDERS, DIVISION OF CONTINENTAL GRAIN COMPANY, HCR4 for an amendment to Permit No. 01637 to include all feedlot expansion projects which have been implemented. The proposed amendment authorizes disposal of waste and wastewater from a feedlot which consists of a maximum of 60,000 head in confinement. The feedlot operation is approximately 1 and 3/4 miles south of the intersection of Farm-to-Market Road 694 and U.S. Highway 54, immediately south of U.S. Highway 54, in Hartley County, Texas.

Approved, BJW/JH

Item 9. APPLICATION BY THE CITY OF BLOOMBURG for renewal of Permit No. 11146-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 83,000 gallons per day. The wastewater treatment facilities are approximately 200 feet south of the intersection of Anthony and Louisiana Streets within the City of Bloomburg in Cass County, Texas.

Approved, BJW/JH

Item 10. APPLICATION BY HORNSBY BEND UTILITY COMPANY, INC. for renewal of Permit No. 13138-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,000,000 gallons per day from the Austin's Colony Wastewater Treatment Facilities. The plant site is approximately 1.3 miles south-southeast of the intersection of Farm-to-Market Road 969 and Hunter Bend Road and approximately 2.3 miles southeast of the intersection of Farm-to-Market Roads 969 and 973 in Travis County, Texas.

Approved, BJW/JH

Item 11. APPLICATION BY THE CITY OF NASSAU BAY for renewal of Permit



No. 10526-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,330,000 gallons per day. The wastewater treatment facilities are on Clear Creek and adjacent to Pearsons Lake (Lake Nassau) which is approximately one mile south of NASA Road 1 and one mile east of the City of Webster in the City of Nassau Bay, Harris County, Texas

Approved, BJW/JH

Item 12. APPLICATION BY PORT OF HOUSTON AUTHORITY for renewal of Permit No. 12375-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed 7,000 gallons per day average. The wastewater treatment facilities are located at 16203 Peninsula Boulevard, approximately two to three miles south of IH-10, near the confluence of the Houston Ship Channel and Carpenter Bayou in Harris County, Texas.

Approved, BJW/JH

Item 13. APPLICATION BY STRUCTURAL METALS, INC. for renewal of Permit No. 01712 which authorizes a discharge of treated wastewaters at a volume not to exceed an average flow of 120,000 gallons per day plus intermittent flow variable discharges of uncontaminated stormwater runoff from a steel products manufacturing facility. Also, the applicant is authorized to dispose of treated wastewaters by irrigation on 18.87 acres of land with a disposal volume not to exceed 40,000 gallons per day average. The plant site is approximately one mile west of the intersection of IH-10 and FM 464, west of the City of Seguin, Guadalupe County, Texas.

Approved, BJW/JH

Item 14. APPLICATION BY THE CITY OF TEAGUE for renewal of Permit No. 10300-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 210,000 gallons per day. The wastewater treatment facilities are near the intersection of West 11th Street and Fillmore Street; approximately 4,000 feet west of the intersections of Farm to Market Road 80, Jackson Street and Mulberry Street in Freestone County, Texas.

Approved, BJW/JH

Item 15. APPLICATION BY TEXAS UTILITIES ELECTRIC COMPANY for renewal of Permit No. 00555 which authorizes a discharge of cooling tower blowdown and stormwater runoff at a volume not to exceed an average flow of 380,000 gallons per day from its North Main Steam Electric Station. The plant site is at the Fourth Street and North Houston Street intersection in the City of Fort Worth, Tarrant County, Texas.

Approved, BJW/JH

Item 16. APPLICATION BY THE CITY OF WEATHERFORD for renewal of Permit No. 10380-01 which authorizes a discharge of treated domestic wastewater effluent in phases with the final phase being a volume not to exceed an average flow of 3,000,000 gallons per day. The wastewater treatment facilities are at 416 Hickory Lane; approximately 4,000 feet north-northwest of the intersection of Interstate Highway 20 and Farm-to-Market Road 2552 in Parker County, Texas.

Approved, BJW/JH

Item 17. APPLICATION BY THE CITY OF WHARTON for renewal of Permit No. 10381-01 which authorizes a discharge of treated domestic wastewater effluent in phases with a final volume not to exceed an average flow of 1,500,000 gallons per day from the wastewater treatment facilities which are located on the east bank of the Colorado River, approximately 0.8 mile south-southwest of the intersection of State Highway 60 and Farm-to-Market Road 1299 (East Street) in Wharton County, Texas.

Approved, BJW/JH

Item 18. APPLICATION BY THE CITY OF EDNA for a Temporary Order to authorize a discharge of partially treated wastewater effluent at a volume not to exceed an average flow of 1,000,000 gallons per day. The Commission finds that the discharge is unavoidable due to the necessary and unforeseen repairs that must be made to the City's wastewater treatment plant. The plant site is approximately one mile southeast of the intersection of U.S. Highway 59 and State Highway 111, adjacent to the south bank of Dry Creek, southeast of the City of Edna in Jackson County, Texas.

Issue Temporary Order, BJW/JH

Item 19. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 183 FOR APPROVAL OF THE ISSUANCE OF \$1,450,000 UNLIMITED TAX BOND ISSUE, 8.477% NET EFFECTIVE INTEREST RATE, SERIES 1991. For Commission consideration and action. Applicant requests Commission approval for a bond issue to finance water well repairs, purchase of interconnect water during the water well repair, painting of the water system ground storage tank, expansion of Water Plant No. 1, and water, wastewater and storm drainage facilities to serve 263 equivalent single family connections.

Cont. to September 18, 1991 at 3:00 p.m.

Item 20. APPLICATION BY ORANGE COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 1 FOR APPROVAL OF A \$1,750,000 TAX SEVENTH BOND ISSUE, 8.50% NET EFFECTIVE INTEREST RATE. For Commission consideration and action. The District's application requests Commission approval for a bond issue to finance the utility infrastructure and wastewater treatment plant improvements to serve existing connections within the District.

Approved, BJW/JH

Item 21. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 8 FOR APPROVAL OF THE USE OF \$154,974 IN SURPLUS FUNDS; \$1,975,000 BOND ISSUE APPROVED December 11, 1985. For Commission consideration and action. Applicant requests approval to use \$154,974 in surplus funds to finance various repairs to the sewage treatment plant, lift station, and water system.

Approved, BJW/JH

Item 22. APPLICATION BY CIRCLE C MUNICIPAL UTILITY DISTRICT NO. 4 OF TRAVIS COUNTY FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS; \$5,065,000 BOND ISSUE APPROVED April 20, 1989. For Commission consideration and action. Applicant requests approval of the release of \$1,923,116 of escrowed funds for the purpose of

construction of the South Branch Interceptor and the South Branch Interceptor Expansions A, B, and C.

Approved, BJW/JH

Item 23. APPLICATION BY HARRIS COUNTY WATER CONTROL AND IMPROVEMENTS DISTRICT NO. 109 FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS, \$7,200,000 BOND ISSUE APPROVED August 14, 1990. For Commission consideration and action. Applicant requests approval of the release of \$221,677 of escrowed funds to finance the District's portion of the replacement wastewater treatment plant site.

Approved, BJW/JH

Item 24. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 216 FOR APPROVAL TO LEVY A STANDBY FEE. For Commission consideration and action. Applicant seeks approval to impose \$579 per ESFC per year standby fee (\$415 for debt service and \$164 for operations and maintenance) for 678.3 ESFCs.

Application Withdrawn W/O Prejudice

Item 25. APPLICATION BY MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 24 FOR APPROVAL OF STANDBY FEE. For Commission consideration and action. Applicant requests approval to adopt and impose a \$925/lot/year standby fee (\$565 for debt service and \$360 for operation and maintenance).

Approved, BJW/JH

Item 26. APPLICATION BY MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 42 FOR APPROVAL OF STANDBY FEE. For Commission consideration and action. Applicant requests approval to adopt and impose a \$680/lot/year standby fee (\$244 for debt service and \$436 for operations and maintenance).

Cont. to July 31, 1991 at 9:00 a.m.

Item 27. APPLICATION BY REID ROAD MUNICIPAL UTILITY DISTRICT NO. 2 OF HARRIS COUNTY FOR APPROVAL OF A STANDBY FEE. For Commission consideration and action. Applicant seeks approval for the levy of a standby fee to supplement the debt service account against unimproved or undeveloped land in the District in the annual amount of \$430.62 per year per equivalent connection for lots or acreage having available water, sanitary sewer collection and sewage treatment capacity, \$106.26 per year per equivalent connection for lots or acreage having available sewage treatment capacity only.

Approved, BJW/JH

Item 28. APPLICATION OF EMC WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Marion County (Application No. 8909-C, Holck)

Approved, BJW/JH

Item 29. APPLICATION OF KENTUCKYTOWN WATER SUPPLY CORPORATION (WSC) to Amend a Water Certificate of Convenience and Necessity No. 10206 in Grayson County (Application No. 8571-C, Fenner)

Approved, BJW/JH

Item 30. APPLICATION OF SAN JACINTO UTILITY, INC. to Transfer Sewer Certificate of Convenience and Necessity (CCN) No. 20606 from James E. Kuykendall dba Mountain View Utility Company in Johnson County (Application No. 8987-S, Schaubut)

Approved, BJW/JH

Item 31. APPLICATION NO. TA-6574 BY BANDERA COUNTY FOR A TEMPORARY WATER USE PERMIT PURSUANT TO TEXAS WATER CODE SECTION NO. 11.138. FOR COMMISSION ACTION. Applicant seeks to divert and use a total of 10 acre-feet of water over a 3-year period from various creeks and rivers in the San Antonio and Nueces River Basins for industrial purposes (maintenance of county roads) from the highway and road crossings of various creeks and rivers throughout Bandera County. (JORDAN/jme)

Approved, BJW/JH

Item 32. APPLICATION NO. 23-2742A BY LAREDO MUNICIPAL JUNIOR COLLEGE DISTRICT TO AMEND CERTIFICATE NO. 23-2742. For Commission Action. Applicant seeks to amend Certificate No. 23-2742 to change the purpose of use of 31 acre feet of Class "B" water rights from mining to irrigation purposes, to change the place of use to the college's campus containing 190.278 acres and to establish a diversion point on the Rio Grande for the diversion of the 31 acre-feet of water, approximately 1 1/4 miles west of the Webb County Courthouse, Laredo, Texas. (JORDAN/wph).

Approved, BJW/JH

Item 33. APPLICATION NO. 3326A BY SUSAN COMBS AND THE DAVID K. COMBS TRUST TO AMEND WATER USE PERMIT NO. 3033. For Commission consideration and action. Applicants seek to amend Permit No. 3033, which authorizes the diversion and use of not to exceed 100 acre-feet of water per annum from a sump at the confluence of Pena (Colorado) Creek with Maravillas Creek, Rio Grande Basin for irrigation in Brewster County, to authorize use of up to 20 acre-feet of the 100 acre-foot annual diversion now included in the permit for irrigation of the land included in the permit and/or for recreation use in Brewster County. (JORDAN;tls)

Approved, BJW/JH

Item 34. APPLICATION BY THE CITY OF MARLIN TO EXTEND THE TIME TO COMMENCE AND COMPLETE CONSTRUCTION RELATING TO A PORTION OF THE CAPACITY OF BRUSHY CREEK RESERVOIR (PREVIOUSLY AUTHORIZED AS AN ENLARGEMENT OF NEW MARLIN RESERVOIR) INCLUDED IN CERTIFICATE OF ADJUDICATION NO. 12-4355, AS AMENDED. For Commission consideration and action. Applicant is requesting that the time to commence and complete construction related to the referenced proposed storage (2921 acre-feet) be extended to the same dates included for commencement and completion of construction of Brushy Creek Reservoir. JORDAN;tls

Approved, BJW/JH

Item 35. CONSIDERATION OF ALL MOTIONS FOR REHEARING ON THE PERMIT CONCERNING THE APPLICATION OF CROCKETT COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 PERMIT # 10059-01. (This matter was considered on May 29, 1991.)

Grant Motion For Rehearing, and Remand to Office Hearings Examiner,

Motion for Rehearing on 401 Portion is Denied, BJW/JH

Item 36. CONSIDERATION OF ALL MOTIONS FOR REHEARING ON AN ORDER CONCERNING THE APPLICATION OF CITY OF ARLINGTON FOR REVIEW OF WASTEWATER RATES SET BY CITY OF FORT WORTH. (This matter was considered on May 15, May 29, and June 5, 1991.)

MFR Overruled, BJW/JH

Item 37. CONSIDERATION OF THE ADOPTION OF THE AMENDMENTS TO 31 TEXAS ADMINISTRATIVE CODE SECTION 331.63 CONCERNING UNDERGROUND INJECTION CONTROL. (Mehta)

Adopt Staff Recommendations, BJW/JH

Item 38. CONSIDERATION OF THE ADOPTION ON AN EMERGENCY BASIS OF AMENDMENTS TO 31 TEXAS ADMINISTRATIVE CODE CH. 334, SUBCHAPTER H, RELATING TO REIMBURSEMENT FOR CORRECTIVE ACTION EXPENSES TAKEN IN RESPONSE TO LEAKING PETROLEUM STORAGE TANKS. (BOHL)

Cont. to July 31, 1991 at 9:00 a.m.

UNCONTESTED OLD BUSINESS

Wednesday, July 24, 1991

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item carried forward from Agenda of July 17, 1991.

- Item 1. APPLICATION NO. 12-3471A BY GLYNN A. WILSON TO AMEND CERTIFICATE NO 12-3471. For Commission action. Applicant seeks to amend Certificate No. 3471 as follows: to extend the term of the certificate; to delete Special Condition 4. C. which allows groundwater use; to increase the annual appropriation from 50 to 100 acre-feet of water; to increase the acreage to be irrigated; to divert water from an additional exempt reservoir; to increase the diversion rate and add a diversion point & rate from the additional res.; and to redescribe the overall tract of land involved in Stephens Co. (JORDAN/lb)

Approved, BJW/JH

ADDENDUM TO UNCONTESTED OLD BUSINESS

Wednesday, July 24, 1991

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item carried forward from Agenda of July 10, 1991.

- Item 2. 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)

Approved, BJW/JH

DOCKET

Wednesday, July 24, 1991

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item carried forward from Agenda of June 24, 1991.

- Item 1. COMMISSION CONSIDERATION WHETHER TO AFFIRM, MODIFY OR SET  
ASIDE EMERGENCY ORDER NO. 91-9E ISSUED ON JUNE 25, 1991 TO  
SCENIC OAKS WATER SUPPLY, INC., DOCKET NO. 9134-E

Affirm, BJW/JH