

CONTESTED AGENDA

Wednesday, October 2, 1991

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item 1. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF CAROLYN AND PAUL BURKE APPEALING NORTH HUNT WATER SUPPLY CORPORATION'S FEE FOR NEW CONNECTIONS IN FANNIN, HUNT AND DELTA COUNTIES, TEXAS; DOCKET NO. 8910-X. Appellee provides retail water service to approximately 21 customers. Recommendation: Adoption of agreement of some of the parties. (North Hunt WSC was not present) (Colbert)

Adopt Examiners Proposal for Decision, Issue Order, JH/BJW

Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT OF SUBSTANTIAL NONCOMPLIANCE AND ORDER FINDING SUBSTANTIAL NONCOMPLIANCE AND REQUIRING CERTAIN ACTIONS OF RODNEY BURCH DBA SUNRISE EAST APARTMENTS, (PERMIT NO. 13488-01) (SHAVER)

Issue Agreed Order, JH/BJW

Item 3. CONSIDERATION OF EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF DENNIS SCHOUTEN DBA D&L DAIRY FOR VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE. (NO PERMIT)

Issue Agreed Order, BJW/JH

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF GULF CHEMICAL AND METALLURGICAL CORPORATION, SWR NO. 30952. (Mehta)

Continued to November 6, at 9:00 a.m.

Item 5. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO DISCUSS PENDING OR CONTEMPLATED LITIGATION, SETTLEMENT OFFERS, AND/OR THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL OF SPECIFIC COMMISSION EMPLOYEES, as permitted by TEX.REV.CIV.STAT.ANN. art 6252-17 Sections 2(e) and 2(g). No final action, decision or vote with regard to any matter considered in closed session shall be made in the absence of further notice issued in accordance with TEX.REV.CIV.STAT.ANN. art. 6252-17.

CONTESTED OLD BUSINESS

Wednesday, October 2, 1991

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item carried forward from Agenda of September 18, 1991.

- Item 1. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE APPLICATION OF JOE CORDELL, DBA LLEDROC FARM - WEST FOR PERMIT No. 03278 TO AUTHORIZE THE DISPOSAL BY IRRIGATION OF WASTE AND WASTEWATER FROM A DAIRY CONSISTING OF A MAXIMUM OF 960 HEAD IN CONFINEMENT IN ERATH COUNTY, TEXAS AND SEGMENT NO. 1226 OF THE BRAZOS RIVER BASIN. RECOMMENDATION: Issuance of permit. (ZUKAUCKAS).

Adopt Examiners Proposal with changes recommended by Commissioner Wynne, and General Counsel drafting an order finalizing permit. Continued to October 9 for final order, JH/BJW

Item carried forward from Agenda of September 18, 1991.

- Item 2. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PRELIMINARY ENFORCEMENT REPORT AND PETITION OF THE EXECUTIVE DIRECTOR OF THE TEXAS WATER COMMISSION AGAINST HAYS WASH OUT SERVICE (PERMIT NO. 00215) FOR VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE in Hale County, Texas, and Segment No. 1240 of the Brazos River Basin. Applicant also seeks \$17,900 in administrative penalties. Recommendation: Find 2 violations of Section 26.121 of the Texas Water Code and assess penalties of \$17,900. (Parker)

Adopt Staff Recommendation, with provisions as recommended by Commissioner Wynne. BJW/JH

ADDENDUM TO CONTESTED OLD BUSINESS AGENDA

Wednesday, October 2, 1991

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item carried forward from Agenda of August 14, 1991, September 18, 1991 and September 25, 1991.

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF SHELL OIL COMPANY, (ODESSA LAND TREATMENT FACILITIES). (Dickman)

Issue Agreed Order, BJW/JH

UNCONTESTED AGENDA

Wednesday, October 2, 1991

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item 1. Employee Of The Month.

Steve Minick

Item 2. APPLICATION BY ROCKWOOL INDUSTRIES, INC. for a closure/post-closure care permit (Proposed Permit No. HW-50197, EPA I.D. No. TXD-066379645) and a Compliance Plan (Proposed No. CP-50197). The closure/post-closure care permit would authorize closure of a landfill and post-closure care of a surface impoundment which was closed as a landfill. The facility is located on a 100-acre tract of land on State Highway 93, approximately 0.5 mile southeast of the intersection of Taylor's Valley Road and Interregional Highway 35, within the City of Belton, Bell County, Texas.

Approved, BJW/JH

Item 3. APPLICATION BY ROELOF VAN BENTHEM for a permit (Proposed Permit No. 03368) to authorize disposal of wastes and wastewater from a dairy. The dairy is on an unnamed county road, approximately 1 mile southeast of State Highway 19, and approximately 3.5 miles north of the intersection of Farm-to-Market Road 2297 and Farm-to-Market Road 1567 in Hopkins County, Texas.

Approved, BJW/JH

Item 4. APPLICATION BY CHEVRON CHEMICAL COMPANY for an amendment to Permit No. 00359 to authorize an increase in the discharge of treated wastewater effluent from a volume not to exceed an average flow of 3,200,000 gallons per day to a volume not to exceed an average flow of 4,200,000 gallons. The plant site is on the south side of FM Road 1006 at a point approximately 1.7 miles east of the FM Road 1006/State Highway 87 intersection in Orange County, Texas.

Approved, BJW/JH

Item 5. APPLICATION BY THE CITY OF HILLSBORO for an amendment to Permit No. 10630-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 960,000 gallons per day to a volume not to exceed an average flow of 1,360,000 gallons per day. The plant site is adjacent to George Street, approximately 700 feet southwest of the intersection of Parham Street and George Street in Hill County, Texas.

Approved, BJW/JH

Item 6. APPLICATION BY EVEREST EXPLORATION, INC. for an amendment to Production Area Authorization No. 1 of the Mt. Lucas Mine under Permit No. UR02381-011 in order to amend the restoration table to reflect expected final restoration values of the water quality parameters. The Mt. Lucas Mine Site is

approximately 3 miles south of the City of Dinero, in southern Live Oak County, Texas.

Approved, BJW/JH

Item 7. APPLICATION BY THE CITY OF BURTON for renewal of Permit No. 12193-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 44,000 gallons per day. The wastewater treatment facilities are approximately 500 feet north of the U.S. Highway 290 bridge across Indian Creek in Washington County, Texas.

Approved, BJW/JH

Item 8. APPLICATION BY CITY OF HEMPHILL for renewal of Permit No. 10493-02 which authorizes the 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 approximately 3/4 mile south of the Hemphill City Hall on Beckcom Road in Sabine County, Texas.

Approved, BJW/JH

Item 9. APPLICATION BY KMCO, INC. for renewal of Permit No. 02712 which authorizes the discharge of treated industrial wastewater, domestic sewage and stormwater at a volume not to exceed 56,000 gallons per day. The Crosby Plant, an industrial organic chemical plant, is located at 16503 Ramsey Road at the intersection with Crosby-Dayton Road, 1.2 miles northeast of the Town of Crosby, Harris County, Texas.

Continued to November 13, at 3:00 p.m.

Item 10. APPLICATION BY NORTHGATE CROSSING MUNICIPAL UTILITY DISTRICT NO. 1 for renewal of Permit No. 12979-01 which authorizes a discharge of treated domestic wastewater effluent at an volume not to exceed an average flow of 810,000 gallons per day. The wastewater treatment facilities are approximately 4,500 feet southeast of the intersection of Interstate Highway 45 and Spring Creek and approximately 1.3 miles northeast of the intersection of Stuebner Road and Interstate Highway 45 in Harris County, Texas.

Approved, BJW/JH

Item 11. APPLICATION BY NORTHWEST AUSTIN MUNICIPAL UTILITY DISTRICT NO. 2 for renewal of Permit No. 13116-01 which authorizes the disposal of treated domestic sewage effluent by irrigation on a 394-acre tract of land adjacent to the plant site. The disposal volume is not to exceed an average of 730,000 gallons per day. The wastewater treatment facility is approximately 1 mile northeast of the intersection of Farm-to-Market Road 2222 and Farm-to-Market Road 620 in Travis County, Texas.

Approved, BJW/JH

Item 12. APPLICATION BY THE CITY OF TOMBALL for renewal of Permit No. 10616-01 which authorizes the discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,500,000 gallons per day. The wastewater treatment facilities are at 615 East Huffsmith Road which is approximately 1400 feet due north of the intersection of Neal Street and East Huffsmith Road in Tomball in Harris County,

Texas.

Continued to October 16, at 3:00 p.m.

Item 13. APPLICATION BY TRINITY RIVER AUTHORITY OF TEXAS for renewal of Permit No. 01441 which authorizes a discharge of stormwater runoff at a volume not to exceed 4,500,000 gallons during any 24-hour period from its Dallas/Fort Worth Regional Airport Pretreatment Plant. The plant site is at 3900 South 20th Avenue in the City of Euless, Tarrant County, Texas.

Approved, BJW/JH

Item 14. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 350 FOR APPROVAL OF A \$2,840,000 UNLIMITED TAX BOND ISSUE, FIRST ISSUE, 8.71% NET EFFECTIVE INTEREST RATE. For Commission consideration and action. The District's application requests Commission approval for a bond issue to finance water, wastewater and drainage improvements to serve 360 ESFCs within the Districts.

Approved, BJW/JH

Item 15. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 69 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$1,080,000 BOND ISSUE APPROVED May 25, 1982. For Commission consideration and action. Applicant requests approval of the use of \$159,295 of surplus funds for painting of water plant facilities, rehabilitation of its water well, and for its pro rata share of the cost of dechlorination facilities at Harris County FWSD No. 61's wastewater treatment plant.

Approved, BJW/JH

Item 16. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 168 FOR APPROVAL OF AN ESCROW RELEASE, USE OF SURPLUS FUNDS, AND CHANGE IN PLANS; \$5,910,000 UNLIMITED TAX BONDS APPROVED March 27, 1986. For Commission consideration and action. The District's application requests Commission approval of the release of \$146,211 from escrow and the use of \$100,000 in surplus funds for the construction of water, wastewater and drainage improvements to serve Steeplechase, Section 6, and approval of a change in plans to reduce the number of lots within Steeplechase Section 6 project.

Approved, BJW/JH

Item 17. APPLICATION BY HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 119 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$670,000 BOND ISSUE APPROVED March 1, 1983. For Commission consideration and action. The District is requesting the use of \$151,715 in surplus funds to finance construction of water plant no. 2.

Approved, BJW/JH

Item 18. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 16 FOR APPROVAL TO USE \$240,000 IN SURPLUS FUNDS. For Commission consideration and action. Applicant requests approval to use \$240,000 in surplus funds for wastewater line repairs and projected repairs to Water Well No. 1.

Approved, BJW/JH

Item 19. APPLICATION BY CIRCLE C MUNICIPAL UTILITY DISTRICT NO. 3 OF TRAVIS COUNTY FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS; \$36,000,000 BOND ISSUE APPROVED June 26, 1986. For Commission consideration and action. Applicant requests approval of the release of \$5,885,790 of escrowed funds plus \$3,114,210 in accrued interest for the construction of the Slaughter Creek Wastewater Interceptor Project, Phase II.

Approved, BJW/JH

Item 20. APPLICATION BY MONTGOMERY COUNTY UTILITY DISTRICT NO. 3 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$1,595,000 BOND ISSUE APPROVED February 22, 1977. For Commission consideration and action. Applicant requests approval of the transfer of \$58,600 in surplus construction funds to debt service.

Approved, BJW/JH

Item 21. APPLICATION BY HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 133 FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS; \$2,550,000 BOND ISSUE APPROVED August 8, 1989. For Commission consideration and action. Applicant seeks approval to withdraw \$550,000 from an escrow account to finance construction of water treatment plant no. 2.

Approved, BJW/JH

Item 22. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 175 FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS AND THE USE OF SURPLUS FUNDS; \$12,500,000 BOND ISSUE APPROVED August 6, 1986. For Commission consideration and action. Applicant requests approval of the release of \$38,115 of escrowed funds and the use of \$17,461 of surplus funds for Lift Station No. 2 site acquisition costs.

Continued to October 30 at 3:00 p.m.

Item 23. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF LAKE VISTA UTILITY COMPANY TO INCREASE RETAIL WATER RATES IN LIVE OAK COUNTY, TEXAS; DOCKET NO. 9020-R. Applicant provides retail water service to approximately 316 customers. Recommendation: Adoption of agreement of parties. (Limes)

Issue Order as proposed, with exhibits attached to Commission's Order, BJW/JH

Item 24. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF HOLLY RANCH WATER COMPANY, INC. TO INCREASE RETAIL WATER RATES IN WOOD COUNTY, TEXAS; DOCKET NO. 9111-R. Applicant provides retail water service to approximately 830 customers. Recommendation: Adoption of agreement of parties. (Zukauckas)

Issue Agreed Order, BJW/JH

Item 25. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF EVELYN FREEMAN FARHOOD DBA HILLTOP UTILITIES FOR A TRANSFER OF CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 11596 TO HER FROM SANDRA KAY BASS HOSEY, EXECUTRIX OF CARROLL A. BASS ESTATE TO PROVIDE WATER SERVICE IN PARKER COUNTY, TEXAS; DOCKET NO. 9032-S. Recommendation: Adoption of agreement of parties. (O'Neal)

Issue Agreed Order, JH/BJW

Item 26. APPLICATION OF CHARLES E. JONES, SR. DBA EAST RIVER ESTATES WATER SUPPLY for a Water Certificate of Convenience and Necessity in Liberty County, TX (Application No. 8625-C, Holck)

Approved, BJW/JH

Item 27. APPLICATION OF H. W. Clowdis for a Water Certificate of Convenience and Necessity and to decertificate a portion of Johnson County Rural Water Supply Corporation's Certificate of Convenience and Necessity, No. 10081, in Johnson County, TX (Application No. 8618-C, Shires)

Approved, BJW/JH

Item 28. APPLICATION NO. 5366 BY ROB & BESSIE WELDER WILDLIFE FOUNDATION FOR A SECTION 11.121 WATER USE PERMIT. For Commission Action. Applicant seeks authorization to construct and maintain levees creating two water control structures adjacent to the Aransas River and to divert and use 1000 acre-feet of water per annum from the Aransas River at a combined rate of 22.3 cfs (10,000 gpm) into the water control structures for the maintenance of wetland areas and conducting wildlife research within the foundation's property, approximately 10 miles north of Sinton, San Patricio County, Texas. (JORDAN/wph).

Approved, BJW/JH

Item 29. APPLICATION BY HARRIS COUNTY FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT APPLICATION. FOR COMMISSION CONSIDERATION AND ACTION. Applicant seeks authorization to divert 130 acre-feet of water per annum from Clear Creek, San Jacinto-Brazos Coastal Basin to maintain a wetland area (game preserve) in Hall Road Park in Harris County. This is pursuant to a wetland management plan plan between the U.S. Fish & Wildlife Dept., Harris Co. and City of Houston. (JORDAN/lb)

Approved, BJW/JH

Item 30. APPLICATION BY EVA RUTH HANCOCK, RUTH HANCOCK SACCO & PAULA HANCOCK ROBINSON FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT APPLICATION. FOR COMMISSION ACTION. Applicants seeks authorization to divert 1278 acre-feet of water per annum from Goldenrod Creek, Lavaca River Basin into a proposed off-channel 356 acre-feet capacity storage reservoir from which water will be subsequently diverted for irrigation purposes in Lavaca County. (JORDAN/lb)

Approved, BJW/JH

Item 31. APPLICATION NO. 5368 BY ARTHUR RAY YANTA AND WIFE, PATSY YANTA FOR A WATER USE PERMIT PURSUANT TO SECTION 11.121 OF THE TEXAS WATER CODE. For Commission Action. Applicants seek authorization to divert and use 300 acre-feet of water per annum from the San Antonio River, San Antonio River Basin, at a maximum rate of 2.2 cfs to irrigate 150 acres of land in the William H. Pate Survey, Abstract No. 235 and the Alexander Hunter Survey, Abstract No. 146, approximately 5 miles northeast of Karnes City, Karnes County, Texas. (JORDAN/wph).



Approved, BJW/JH

Item 32. APPLICATION NO. 5367 BY BERNIE A. YANTA AND WIFE, SUSIE LEE YANTA FOR A WATER USE PERMIT PURSUANT TO SECTION 11.121 OF THE TEXAS WATER CODE. For Commission Action. Applicants seek authorization to divert and use 300 acre-feet of water per annum from the San Antonio River, San Antonio River Basin, at a maximum rate of 2.2 cfs to irrigate 150 acres of land in the William H. Pate Survey, Abstract No. 235, approximately 5 miles northeast of Karnes City, Karnes County, Texas. (JORDAN/wph).

Approved, BJW/JH

Item 33. APPLICATION NO. 23-2700A BY CITY READY MIX, INC. TO AMEND CERTIFICATE NO. 23-2700. FOR COMMISSION ACTION. Applicant seeks to change the purpose of use from irrigation to mining, place of use and point of diversion of a 100 acre-foot portion of the Class "A" water rights owned under the certificate. (JORDAN/lb)

Approved, BJW/JH

Item 34. CONSIDERATION OF THE ADOPTION OF: AMENDMENTS TO 31 TEXAS ADMINISTRATIVE CODE ("TAC") SECTIONS 335.1, 335.2, 335.43, 335.180-335.183, 335.202-335.206 & NEW SECTIONS 335.204-335.206, INDUSTRIAL SOLID WASTE & MUNICIPAL HAZARDOUS WASTE; 31 TAC SECTION 335.121, CLASS I UIC WELL PERMITTING STANDARDS; NEW 31 TAC SECTION 281.26, APPLICATIONS PROCESSING FOR NEW COMMERCIAL INDUSTRIAL SOLID WASTE & MUNICIPAL HAZARDOUS WASTE PERMITTING ACTIVITIES; & 31 TAC SECTIONS 305.49, 305.50, 305.66, 305.101, 305.102, & 305.103 & NEW SECTIONS 305.107, 305.147, & 305.148, PERMIT REQUIREMENTS FOR SOLID WASTE MANAGEMENT FACILITIES IN ACCORDANCE WITH SB 1099, 72ND LEGISLATURE, 1991. (Mehta)

Adopt Rules as Proposed with changes being sent to Texas Register to be published concerning buffer zone. JH/BJW

Item 35. RECOGNITION of Sickle Cell Walkathon Participants by Chairman Hall.  
Walkathon Participants Recognized

ADDENDUM TO UNCONTESTED AGENDA

Wednesday, October 2, 1991

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item 36. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR AUTHORIZATION TO REFER THE MATTER OF ACCESS TO CERTAIN PROPERTY OWNED BY DON PENDERGRASS TO THE OFFICE OF THE ATTORNEY GENERAL. (ALVARADO, M.)

Refer to Attorney General

UNCONTESTED OLD BUSINESS

Wednesday, October 2, 1991

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item carried forward from Agenda of September 18, 1991.

- Item 1. APPLICATION OF BANDERA RIVER RANCH WATER COMPANY, INC. for an Amendment to Water Certificate of Convenience and Necessity No. 12262 in Bandera County, TX (Application No. 8890-C, Holck)

Approved, BJW/JH

Item carried forward from Agenda of September 18, 1991.

- Item 2. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF DALE DRAKE FOR PERMIT NO. 03231 to authorize the disposal of waste and wastewater from 2,500 confined head of cattle in El Paso County, Texas, and Segment No. 2307 of the Rio Grande River Basin. Recommendation: Dismissal without prejudice. (Sahs)

Dismiss W/Prejudice, JH/BJW

ADDENDUM TO UNCONTESTED OLD BUSINESS AGENDA

Wednesday, October 2, 1991

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item carried forward from Agenda of September 25, 1991.

- Item 3. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF RATEPAYERS CONCERNING FOREST COVE MUNICIPAL UTILITY DISTRICT'S INCREASE IN WATER AND SEWER RATES IN HARRIS AND MONTGOMERY COUNTIES, TEXAS; DOCKET NO. 8882-W. Applicant provides water and sewer service to approximately 1122 customers. Recommendation: Adoption of agreement of parties. (Sahs)

Issue Agreed order as recommended by Public Interest Council, BJW/JH