

HALL
REED
WYNNE-ABSENT FOR ITEM OB 1, OB 2, OB 3

CONTESTED AGENDA

Wednesday, October 30, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST TO ASSESS STIPULATED PENALTIES AS REQUIRED BY THE COMMISSION ORDER DATED MARCH 5, 1987 OF CITY OF HOUSTON (PERMIT NO.10495-003). (HOOPER)

No Action Taken

Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF ITASCA, PERMIT NO. 10423-01. (Ray)

Continued to November 20, 1991 at 9:00 a.m.

Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF VIC COOPER DBA ROLLING HILLS SUBDIVISION, NO PERMIT. (McCalla)

Continued to December 4, 1991 at 9:00 a.m.

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ECOLOGY TECHNOLOGY, INC., SWR NO. 41295. (Alvarado)

Issue Agreed Order, JH/PR

Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER REQUIRING CERTAIN ACTIONS OF RONMAR GENERAL PARTNERSHIP (No Permit). (Ray)

Continued to December 4, 1991 at 9:00 a.m.

Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF SOUTHWESTERN REFINING CO., INC., SWR NO. 30033. (Hall)

Continued to December 4 1991, at 9:00 a.m.

Item 7. CONSIDERATION OF EXAMINER'S INTERLOCUTORY APPEAL CONCERNING THE PETITIONS OF MILITARY HIGHWAY WSC AND EL JARDIN WSC APPEALING WHOLESALE WATER RATES SET BY THE CITY OF BROWNSVILLE IN CAMERON COUNTY, TEXAS; DOCKET NO. 9012-M AND 9013-M. Recommendation: Accept jurisdiction on behalf of Commission. (Sahs)

Adopt Examiner's Recommendation, JH/PR

Item 8. 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.

ADDENDUM TO CONTESTED AGENDA

Wednesday, October 30, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 9. CONSIDERATION OF ALL MOTIONS FOR REHEARING ON THE APPLICATION OF LARRY J. LANGBEIN FOR WATER USE PERMIT NO. 5321 in Kendall County, Texas, not to exceed 150 acre-feet of water per annum from the East Sister Creek in Guadalupe River Basin, for irrigation purposes. (This matter was considered on September 11, 1991.)

Motion For Rehearing Overruled, BJW/JH

CONTESTED OLD BUSINESS

Wednesday, October 30, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of June 12, 1991 and August 14, 1991.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF SAFETY RAILWAY SERVICE COMPANY, SWR NO. 31767, US EPA I.D. NO. TXDO63071393. (Alvarado)

Issue Agreed Order, JH/PR

Item carried forward from Agenda of September 25, 1991.

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF AQUILA REALTY FUND, INC. - NO PERMIT. (SMITH, S.)

Issue Agreed Order, JH/PR

Item carried forward from Agenda of September 25, 1991.

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF RAYMOND KORENEK, DBA R.K.S. WATER COMPANY FOR VIOLATIONS OF CHAPTER 13 OF THE TEXAS WATER CODE. (Montelongo)

Issue Proposed Order, JH/PR

Item carried forward from agenda of July 24, 1991 and September 25, 1991.

- Item 4. 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)

Issue Agreed Order, BJW/JH

Item carried forward from Agenda of March 20 and July 3, 1991, August 14, 1991 and October 16, 1991.

- Item 5. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TWC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF DIXIE METALS COMPANY - SWR 30136. (RENBARGER)

Refer to Office Hearings Examiner, PR/JH

Item carried forward from Agenda of October 23, 1991.

Item 6. IN THE MATTER OF THE EXECUTIVE DIRECTOR'S REQUEST FOR THE APPOINTMENT OF AN INTERIM RECEIVER FOR SCENIC OAKS WATER SUPPLY INC. (CCN 11581) (SMITH, D.)

Withdraw Recommendation for Interim Receiver. No Action Taken

DOCKET

Wednesday, October 30, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. MODIFY, AFFIRM, SET ASIDE EMERGENCY ORDER OF THE COMMISSION REQUIRING SOUTHWESTERN WATER TO PROVIDE AN EMERGENCY INTERCONNECTION TO LIVE OAK WATER SUPPLY CO., INC. (DOCKET NO. 9278-E). This item was considered on October 9, 1991.

Affirm, Emergency Order, JH/PR

UNCONTESTED AGENDA

Wednesday, October 30, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 1. APPLICATION BY KOCH REFINING COMPANY for a Class 2 Modification of Permit No. HW-50097 in accordance with 31 TAC, Section 305.69. The industrial solid waste facility is located near the western extremity of the Corpus Christi Ship Channel and is bounded to the north by the Nueces Bay and to the south by Upriver Road in Nueces County, Texas.

Approved, JH/PR

Item 2. APPLICATION BY N.C. WITT, JR. for a permit (Proposed Permit No. 03356) to authorize the disposal of wastes and wastewater from a dairy operation. The dairy will consist of a maximum of 400 head in confinement. The dairy is on the west side of an unnamed county road, approximately one and one half miles south of the intersection of Farm-to-Market Road 1858 and Farm-to-Market Road 3149 in McLennan County, Texas.

Approved, JH/PR

Item 3. APPLICATION BY ORANGEFIELD INDEPENDENT SCHOOL DISTRICT for an amendment to Permit No. 11607-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 20,000 gallons per day to a volume not to exceed an average flow of 32,000 gallons per day. The applicant operates the Orangefield High School Wastewater Treatment Facilities. The plant site is immediately north of Farm-to-Market Road 105 and 0.5 mile west of the intersection of Farm-to-Market Road 105 and Farm-to-Market Road 408 in the City of Orangefield in Orange County, Texas.

Approved, JH/PR

Item 4. APPLICATION BY THE CITY OF KARNES CITY for renewal of Permit No. 10352-02 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 92,000 gallons per day. The wastewater treatment facilities are approximately 0.5 mile southeast of the intersection of State Highway 80 and Farm-to-Market Road 1144 in Karnes County, Texas.

Approved, JH/PR

Item 5. APPLICATION BY THE CITY OF LONE OAK for renewal of Permit No. 10760-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 60,000 gallons. The wastewater treatment facilities are east of Bull Creek, approximately 0.5 mile south of the intersection of U.S. Highway 69 and Farm-to-Market Road 1571 in Hunt County, Texas.

Approved, JH/PR

Item 6. APPLICATION BY DANNY AND JUANITA MOREAU DBA JUDGES MOBILE HOME

PARK for renewal of Permit No. 13060-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 13,500 gallons per day. The wastewater treatment facilities are approximately 1/2 mile north-northwest of the intersection of John Ralston Road and U.S. Highway Road 90 in Harris County, Texas.

Continued to December 4, 1991 at 3:00 p.m.

Item 7. APPLICATION BY THE CITY OF PORTLAND for renewal of Permit No. 10478-02 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed 200,000 gallons per day average from the North Shore Wastewater Treatment Plant which is located approximately two miles northeast of the City of Portland, one mile east of the intersection of U.S. Highway 181 and Farm-to-Market Road 3239 (Ganem Drive) on the north shore of Green Lake in San Patricio County, Texas.

Approved, JH/PR

Item 8. APPLICATION BY TEXAS PARKS & WILDLIFE DEPARTMENT for renewal of Permit No. 11692-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 14,000 gallons per day from the Sea Rim State Park wastewater treatment facilities. The wastewater treatment facilities are adjacent to State Highway 87, approximately 12 miles west of the intersection of Farm-to-Market Road 3322 and State Highway 87 in Jefferson County, Texas.

Approved, JH/PR

Item 9. APPLICATION BY THE CITY OF WEBSTER for renewal of Permit No. 10520-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,650,000 gallons per day. The wastewater treatment facilities are located at 613 Magnolia, at the east corner of the intersection of Texas Street and Magnolia Street in the City of Webster in Harris County, Texas.

Approved, JH/PR

Item 10. APPLICATION BY THE CITY OF WEST UNIVERSITY PLACE for renewal of Permit No. 10058-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 2,000,000 gallons per day. The wastewater treatment facility is approximately 1000 feet west of Kirby Drive between Brays Bayou and North Braeswood Street in the City of Houston, Harris County, Texas.

Approved, JH/PR

Item 11. APPLICATION BY CLEAR LAKE CITY WATER AUTHORITY OF HARRIS COUNTY FOR APPROVAL OF THE ISSUANCE OF A TOTAL OF \$14,600,000 IN UNLIMITED TAX AND REVENUE BONDS, 7.68% AND 5.50% NET EFFECTIVE INTEREST RATE, SERIES 1991, 19TH ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of a total of \$14,600,000 in unlimited tax and revenue bonds to finance the construction of water, wastewater, and drainage improvements.

Approved, PR/JH

Item 12. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO.

222 FOR APPROVAL OF THE ISSUANCE OF \$2,865,000 IN UNLIMITED TAX BONDS, 8.65% NET EFFECTIVE INTEREST RATE, SERIES 1991, SECOND ISSUE AND USE OF SURPLUS FUNDS, \$4,750,000 BOND ISSUE APPROVED October 25, 1984. For Commission consideration and action. Applicant requests approval of the issuance of \$2,865,000 in tax bonds to finance a pro rata share of a wastewater trunk line, capacity in another districts wastewater treatment plant, and water, wastewater and drainage facilities to serve two single family subdivisions.

Approved, PR/JH

Item 13. APPLICATION BY GREATER TEXOMA UTILITY AUTHORITY OF COOKE AND GRAYSON COUNTIES FOR APPROVAL OF THE ISSUANCE OF \$600,000 IN CONTRACT REVENUE BONDS, 6.0% NET EFFECTIVE INTEREST RATE, SERIES 1991, ELEVENTH ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$600,000 in revenue bonds to finance the rehabilitation of the City of Howe's wastewater collection system.

Approved, PR/JH

Item 14. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 264 FOR APPROVAL OF RELEASE OF ESCROWED FUNDS AND THE USE OF SURPLUS FUNDS; \$3,310,000 BOND ISSUE APPROVED November 14, 1990. For Commission consideration and action. Applicant requests approval of the release of \$89,396 of escrowed funds and approval to use \$140,112 in surplus funds to reimburse developer for water and wastewater plant site costs, drainage easement costs, water capacity lease payments, wastewater system repairs, and associated developer interest.

Approved, PR/JH

Item 15. APPLICATION BY MEADOWS AT CHANDLER CREEK MUNICIPAL UTILITY DISTRICT OF WILLIAMSON COUNTY FOR APPROVAL OF THE LEVY OF A STANDBY FEE: For Commission consideration and action. Applicant seeks approval for the levy of a uniform annual standby fee of \$27.74 per ESFC to supplement the debt service account and \$42.29 per ESFC to supplement the operation & maintenance account.

Approved, PR/JH

Item 16. APPLICATION BY CADDO BASIN SPECIAL UTILITY DISTRICT OF HUNT AND COLLIN COUNTY FOR APPROVAL OF IMPACT FEE. For Commission consideration and action. Applicant requests approval of a \$950 per single family equivalent connection impact fee.

Approved, PR/JH

Item 17. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER FOR CREATION OF KINGS MANOR MUNICIPAL UTILITY DISTRICT OF HARRIS AND MONTGOMERY COUNTIES. Recommendation: Adoption of agreement of parties. (Zukauckas)

Approved, PR/JH

Item 18. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF T. C. STEINER FOR WATER USE PERMIT NO. 5328 IN BASTROP COUNTY, TEXAS, to divert not to exceed 1,000 acre-feet of water per annum from the Colorado River in Colorado River Basin, for irrigation purposes. Recommendation: Dismissal of application. (O'Neal)

Dismissal of Application, JH/PR

Item 19. APPLICATION OF CRC WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Henderson County (Application No. 9216-C, Holck)

Approved, JH/PR

Item 20. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT OF SUSTANTIAL NONCOMPLIANCE AND ORDER FINDING SUBSTANTIAL NONCOMPLIANCE AND FINDING NO FURTHER ACTION IS NECESSARY OF TOWN OF PONDER (PERMIT NO.11287-01) (RASBERRY)

Issue Agreed Order, JH/PR

Item 21. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT OF SUBSTANTIAL NONCOMPLIANCE AND ORDER FINDING SUBSTANTIAL NONCOMPLIANCE AND FINDING NO FURTHER ACTION IS NECESSARY OF U.S. ARMY CORPS OF ENGINEERS (CADDO PARK) (PERMIT NO.12054-01) (RASBERRY)

Issue Agreed Order, JH/PR

Item 22. APPLICATION NO. 5228A BY RICHARD B. HAMM TO AMEND PERMIT NO. 5228 For Commission Action. Applicant seeks to amend Permit No. 5228 (1) to divert an additional 775 acre-feet of water per annum; (2) to increase the number of acres to be irrigated; (3) to authorize a diversion point on the Neches River; (4) to include an existing, exempt dam and 87 acre-foot reservoir and (5) to authorize an additional diversion of water from the existing, exempt reservoir included in the original permit, the Neches River, the 87 acre-foot reservoir and two off-channel reservoirs, Anderson County, Texas. (JORDAN:rma)

Continued to November 20, 1991 at 3:00 p.m.

Item 23. APPLICATION NO. 14-1639A BY JOAN LEIFESTE KETTNER AND LORI LEIFESTE SLOCUM TO COMBINE THE WATER RIGHTS AUTHORIZED BY CERTIFICATE OF ADJUDICATION NOS. 14-1638 AND 14-1639 UNDER CERTIFICATE NO. 14-1639 AND TO AMEND CERTIFICATE NO. 14-1639, AS COMBINED. For Commission action. Applicants seek to combine the irrigation rights on the Llano River, Colorado River Basin, in Mason County authorized by Certificate Nos. 14-1638 and 14-1639 under Certificate No. 14-1639 and to amend Certificate No. 14-1639, as combined, by moving the water right to the diversion point and land included in Certificate No. 14-1639. (Jordan)

Approved, JH/PR

UNCONTESTED OLD BUSINESS

Wednesday, October 30, 1991

TEXAS WATER COMMISSION
3:00 p.m.
Room 118

Item carried forward from Agenda of October 2, 1991.

Item 1. 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.

Approved, JH/PR

Item carried forward from Agenda of October 16, 1991.

Item 2. APPLICATION BY SOUTHERN SANITARY CORPORATION for renewal of Permit No. 10610-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 475,000 gallons per day. The wastewater treatment facilities are on the south bank on Halls Bayou, approximately 4500 feet west of Interstate Highway 45 in Harris County, Texas.

Approved, JH/PR