

HALL - ABSENT & EXCUSED FOR ITEMS 6 AND 34-51.
REED
GARNER

UNCONTESTED AGENDA

Wednesday, December 16, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. APPLICATION BY CITY OF O'BRIEN for a permit (Proposed Permit No. 13616-01) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 20,000 gallons per day. The plant site is approximately 0.8 mile north of the intersection of State Highway 6 and Farm-to-Market Road 2229, north of the City of O'Brien on the west side of State Highway 6 in Haskell County, Texas.

APPROVED, JH/PR

Item 2. APPLICATION BY PRAIRIE VIEW A&M UNIVERSITY for a permit (Proposed Permit No. 11275-02) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 2,000,000 gallons per day from the wastewater treatment facilities. The plant site is on the northwest section of Prairie View A&M Campus, approximately 1.0 mile north of U.S. Highway 290 and 500 feet east of Farm-to-Market Road 1098 in Waller County, Texas.

APPROVED, JH/PR

Item 3. APPLICATION BY PRIDE COMPANIES, LP for a permit (Proposed Permit No. 03490) to authorize a discharge of treated wastewater at a dry weather flow not to exceed 3,000 gallons per day during any 24-hour period. The applicant operates a bulk fuel terminal handling jet fuel, gasoline and other refinery products. The plant site is on the south side of Interstate Highway 20, approximately 1.2 miles west of the intersection of IH 20 with Farm-to-Market Road 1187, and approximately two miles north of the City of Aledo in Parker County, Texas.

APPROVED, JH/PR

Item 4. APPLICATION BY MILAM GRAIN COMPANY for an amendment to Permit No. 02664 to authorize an increase in the capacity of a swine feedlot from 2,100 head to 2,725 head and to incorporate improvements constructed after the permit was originally issued. The swine feedlot is on the south side of the U.S. Highway 77 approximately 2.5 miles west and one half mile south of the intersection of State Highway 36 and U.S. Highway 77 in Milam County, Texas.

APPROVED, JH/PR

Item 5. APPLICATION BY BIG THREE INDUSTRIES, INC., WEST LITTLE YORK OFFICE COMPLEX for renewal of Permit No. 02543 which authorizes a discharge of treated industrial and domestic wastewater at a volume not to exceed an average flow of 20,000 gallons per day from an office and laboratory complex. The plant site is on the north side of West Little York Road and

approximately 4000 feet east of Addicks Fairbanks Road, Harris County, Texas.

RENEWED, JH/PR

Item 6. APPLICATION BY CITY OF BONHAM MUNICIPAL WATER AUTHORITY for renewal of Permit No. 11172-01 which authorizes to discharge settled filtered backwash water at a volume not to exceed an average flow of 285,000 gallons per day from the water treatment plant. The plant site is north of the City of Bonham on Lake Bonham just west of Farm-to-Market Road 898, approximately two miles north of the intersection of Farm-to-Market 898 and State Highway 78 in Fannin County, Texas.

REMANDED TO OFFICE OF HEARINGS EXAMINERS, PR/PG

Item 7. APPLICATION BY CAMCO INTERNATIONAL, INC. for renewal of Permit No. 00635 which authorizes a discharge of process wastewater and utility wastewater at a volume not to exceed a dry weather flow of 432,000 gallons per day average via Outfall 001. The permit also authorizes a flow variable discharge of stormwater via Outfall 002. The applicant operates an oil and gas well drilling tool manufacturing facility. The plant site is at 6501 Navigation Boulevard in the City of Houston, Harris County, Texas.

RENEWED, JH/PR

Item 8. APPLICATION BY CAMPBELL'S FRESH, INC. for renewal of Permit No. 02726 which authorizes the discharge of utility and process wastewater effluent at a volume not to exceed an average flow of 75,000 gallons per day from a mushroom farm and packaging plant. The plant site is on the north side of Farm to Market 310, approximately 0.8 mile west of the intersection of I-35 and FM 310, approximately 4 miles south of the City of Hillsboro in Hill County, Texas.

RENEWED, JH/PR

Item 9. APPLICATION BY GREIF BROS. CORPORATION for renewal of Permit No. 01217 which authorizes a discharge of treated domestic wastewater at a volume not to exceed an average flow of 3,000 gallons per day via Outfall 001. The permit also authorizes flow variable discharges of stormwater from the fire water retention pond via Outfall 002. The renewed permit will add an outfall to regulate intermittent flow variable discharges of stormwater. The applicant operates a facility which produces steel shipping containers and fiber and plastic shipping drums. The plant site is at 10700 Strang Road in the City of La Porte, Harris County, Texas.

RENEWED, JH/PR

Item 10. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 71 for renewal of Permit No. 11917-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 450,000 gallons per day. The plant site is on the south bank of South Mayde Creek, approximately 4000 feet east of the intersection of Elrod and Morton Roads in Harris County, Texas.

RENEWED, JH/PR

Item 11. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO.

107 for renewal of Permit No. 11619-001 which authorizes a discharge of treated domestic wastewater effluent at a final volume not to exceed an average flow of 900,000 gallons per day. The renewed permit will decrease the flow to 650,000 gallons per day average. The wastewater treatment facilities are located immediately south of Buffalo Bayou, approximately 1.0 mile southeast of the intersection of State Highway 6 and Interstate Highway 10 in Harris County, Texas.

RENEWED, JH/PR

Item 12. APPLICATION BY INVERNESS FOREST IMPROVEMENT DISTRICT for renewal of Permit No. 10783-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 500,000 gallons. The plant site is on the north side of Cypress Creek, approximately 800 feet east of the Hardy Road Bridge crossing of Cypress Creek in Harris County, Texas.

RENEWED, JH/PR

Item 13. APPLICATION BY KITCHEN PRIDE MUSHROOM FARMS INC. for renewal of Permit No. 02838 which authorizes disposal of treated wastewater from a mushroom farm and packaging plant by irrigation on a 20-acre tract of grassland. Application rates for the irrigated land shall not exceed 2.2 acre-feet/acre/year. The plant site is west of County Road 348 (known locally as Cannonade Ranch Road) about 3000 feet south of its junction with U.S. Highway 904. The site is approximately 4-1/2 miles southeast of the City of Gonzales in Gonzales County, Texas.

RENEWED, JH/PR

Item 14. APPLICATION BY LIBERTY-DANVILLE FRESHWATER SUPPLY DISTRICT NO. 2 for renewal of Permit No. 11833-001 which authorizes a discharge of treated domestic wastewater effluent at a final volume not to exceed an average flow of 31,000 gallons per day. The wastewater treatment facilities are located approximately four (4) miles northeast of the City of Kilgore at a point approximately 5,000 feet east of the intersection of Interstate Highway 20 and U.S. Highway 259, just south of Interstate 20 in Gregg County, Texas.

RENEWED, JH/PR

Item 15. APPLICATION BY TOWN OF LITTLE ELM for renewal of Permit No. 11600-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 350,000 gallons per day. The wastewater treatment facilities are approximately 2,600 feet east of the intersection of Farm-to-Market Road 720 and Hart Road, approximately 1,000 feet south of Farm-to-Market Road 720 in Denton County, Texas.

RENEWED, JH/PR

Item 16. APPLICATION BY MCDONALD'S RESTAURANTS OF TEXAS, INC., EASTEX FREEWAY PLANT for renewal of Permit No. 02844 which authorizes a discharge of treated waste and domestic wastewater at a volume not to exceed an average flow of 4,000 gallons per day from a wastewater treatment facilities that receives wastes from a fast food restaurant and a commercial bank building. The plant site is adjacent to 10760 Eastex Freeway (U.S.

Highway 59) on the northeast corner of the intersection of U.S. Highway 59 and Little York Road in the City of Houston, Harris County, Texas.

RENEWED, JH/PR

Item 17. APPLICATION BY CITY OF NIXON for renewal of Permit No. 10234-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 730,000 gallons per day. The wastewater treatment facilities are approximately 1.5 miles north of the intersection of U.S. Highway 87 and State Highway 80 on the south bank of the Clear Fork of the Sandies Creek; north of Nixon in Gonzales County, Texas.

RENEWED, JH/PR

Item 18. APPLICATION BY CITY OF ROSENBERG for renewal of Permit No. 10607-03 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 plant site is southeast of the intersection of 8th Street and Avenue A, approximately 1000 feet south of the Brazos River in the City of Rosenberg in Fort Bend County, Texas.

RENEWED, JH/PR

Item 19. APPLICATION BY STEINER UTILITY COMPANY, INC. for renewal of Permit No. 13294-01 which authorizes the disposal of treated domestic wastewater effluent by evaporation and irrigation on a minimum of 53 acres of land in the interim phase and 132 acres of pasture land in the final phase. The disposal volume is not to exceed 1,110,000 gallons per day average. The renewed permit would decrease the volume to 250,000 gallons per day average. The wastewater treatment facility and irrigation sites are approximately 2 miles south of the intersection of Ranch Road 620 and Quinlan Park Road in Travis County, Texas.

REMANDED TO EXECUTIVE DIRECTOR, JH/PR

Item 20. APPLICATION BY TEXAS A & M UNIVERSITY POWER PLANT for renewal of Permit No. 02836 which authorizes the discharge of cooling tower blowdown commingled with low volume wastes at a volume not to exceed an average flow of 930,000 gallons per day from Outfall 001. The Texas A & M Central Utilities Power Plant is located between Asbury and Ireland Streets at the Ross Street intersection on the A & M Main Campus in the City of College Station, Brazos County, Texas.

RENEWED, JH/PR

Item 21. APPLICATION BY TRAIL OF THE LAKES MUNICIPAL UTILITY DISTRICT for renewal of Permit No. 11901-01 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 plant site is approximately 6500 feet south and 1500 feet east of the intersection of Woodland Hills Drive and Atascocita Road in Harris County, Texas.

RENEWED, JH/PR

Item 22. APPLICATION BY HUDSPETH COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 1 FOR AN EXTENSION OF TIME OF APPROVAL OF THE

\$2,250,000 BOND ISSUE APPROVED AUGUST 19, 1991; For Commission consideration and action. The District's application requests Commission approval for an extension of time of approval for a bond issue to finance improvements to the District's Reservoir No. 1 and to construct a third reservoir.

NO ACTION TAKEN

Item 23. APPLICATION BY FOREST COVE MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF A FIRE PLAN. For Commission consideration and action. Applicant requests approval of proposed fire protection plan and services construct with the Kingwood Volunteer Fire Department.

APPROVED, PG/PR

Item 24. APPLICATION BY CAMERON COUNTY FRESH WATER SUPPLY DISTRICT NO. 1 FOR APPROVAL OF \$3,600,00 UNLIMITED TAX BONDS, SERIES 1992; ELEVENTH ISSUE; 5.75% NET EFFECTIVE INTEREST RATE AND USE OF SURPLUS FUNDS; For Commission consideration and action. The District's application requests Commission approval for a bond issue to finance improvements to the District's wastewater treatment system.

APPROVED, PG/PR

Item 25. APPLICATION BY MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 46 FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS, THE USE OF SURPLUS FUNDS AND A CHANGE IN PLANS, \$4,135,000 BOND ISSUE APPROVED November 21, 1984. For Commission consideration and action. Applicant requests approval of the release of \$300,00 of escrowed funds, the use of \$435,000 of surplus funds and a change in plans to finance a pro rata share of a drainage ditch, a pro rata share of a wastewater trunk line, Grogans Point Road 12-inch water line, and water, wastewater & drainage facilities to serve Village of Grogans Mill Section 51. (Nelson)

APPROVED, PG/PR

Item 26. APPLICATION OF FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 7 FOR APPROVAL OF THE USE OF SURPLUS FUNDS, \$3,000,000 BOND ISSUE APPROVED SEPTEMBER 30, 1991. For Commission consideration and action. Application requests approval of the use of \$77,150 of surplus funds for pumping and levee repair costs. (Nelson)

APPROVED, PG/PR

Item 27. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 67 FOR APPROVAL OF \$2,500,000,000 UNLIMITED TAX BONDS, THIRD ISSUE, 8.20% NET EFFECTIVE INTEREST RATE, SERIES 1992. For Commission consideration and action. The District's application requests Commission approval of a bond issue to finance a pro rata share of water plant capacity, a pro rata share of wastewater trunk main, and water, wastewater & drainage facilities for various subdivisions within the District. (Nelson)

APPROVED, PG/PR

Item 28. APPLICATION BY WESTADOR MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS,

\$5,690,000 BOND ISSUE APPROVED February 8, 1991. For Commission consideration and action. Applicant requests approval of the release of \$798,654 of escrowed funds to finance construction of Water Plant No. 3 and related offsite water line.

APPROVED, PG/PR

Item 29. APPLICATION BY FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 7 FOR APPROVAL OF THE USE OF SURPLUS FUNDS, \$3,000,000 BOND ISSUE APPROVED SEPTEMBER 30, 1991. For commission consideration and action. Applicant requests approval of the use of \$269,729 of surplus funds for additional funding of construction costs for the Levee and Ditches "M" and "P" and External Outfall Channel project. (Nelson)

APPROVED, PG/PR

Item 30. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 153 FOR APPROVAL TO LEVY A STANDBY FEE; \$12,400,000 BOND ISSUE APPROVED MAY 8, 1985. For Commission consideration and action. Applicant requests approval to levy a non-uniform standby fee to supplement the debt service and general fund accounts. (Herbert)

APPROVED, PG/PR

Item 31. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 105 FOR APPROVAL TO LEVY A STANDBY FEE; \$3,325,000 BOND ISSUE APPROVED FEBRUARY 3, 1981. For Commission consideration and action. Applicant requests approval to levy a uniform standby fee to supplement the debt service and general fund accounts. (Herbert)

APPROVED, PG/PR

Item 32. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 223 FOR APPROVAL OF THE LEVY OF A STANDBY FEE. For Commission consideration and action. Applicant seeks approval for the levy of a uniform monthly standby fee of \$28.35 per ESFC to supplement the debt service account. (Nelson)

REMANDED TO OFFICE OF HEARINGS EXAMINERS

Item 33. APPLICATION OF CASTLE WATER, INC. to Transfer Water CCN No. 10263 from Donald Dickens dba Horseshoe Bend Water Works, in Parker County, TX (Application No. 9566-S, Gonzalez)

APPROVED, PR/JH

Item 34. APPLICATION NO. 5432 BY NEWPARK SHIPBUILDING AND REPAIR, INC. FOR A WATER USE PERMIT. For Commission consideration. Applicant seeks authorization to divert not to exceed 245 acre-feet of water per annum from Buffalo Bayou, San Jacinto River Basin, for industrial use at their shipbuilding and repair business in Harris County approximately six miles southeast of the Harris County Courthouse. None of the water diverted will be consumed. (SMITH/tls)

CONTINUED TO JANUARY 6, 1993 AT 9:00 A.M., PR/PG

Item 35. APPLICATION NO. 23-353A BY THE CITY OF MCALLEN TO AMEND CERTIFICATE OF ADJUDICATION NO. 23-353. FOR COMMISSION ACTION. Applicant seeks to amend Certificate of Adjudication

no. 23-353 by combining their rights under the certificate with Cert. Nos. 23-400, -512, -557, -597, and -818 and amending the combination to change the purpose of use to municipal, the place of use to their city service area, and to specify three points of diversion.

SUBMITTED IN ERROR, NO ACTION TAKEN.

Item 36. APPLICATION 23-353A BY THE CITY OF McALLEN TO COMBINE CERTIFICATES OF ADJUDICATION OWNED BY THE CITY AND TO AMEND THE COMBINED CERTIFICATES. FOR COMMISSION ACTION. Applicant seeks to combine Certificate Nos. 23-353, 23-400, 23-512, 23-557, 23-597 & 23-818 under 23-353 and to amend 23-353, as combined, to change the purpose of use of the certificates to municipal use, to change the place of use of the certificates to the City's service area, and to specify three diversion points all in Hidalgo County, Texas. (Smith/jme)

APPROVED, PR/PG

Item 37. APPLICATION BY SUGARBERRY OIL & GAS CORPORATION TO EXTEND THE TIME REQUIRED FOR INSTALLATION OF A LOW-FLOW MEASURING DEVICE INCLUDED IN CERTIFICATE OF ADJUDICATION NO. 14-1261, AS AMENDED. FOR COMMISSION CONSIDERATION. Applicant seeks to extend the time required for installation of a low-flow measuring device at a low water crossing in the referenced certificate from October 27, 1992 to October 27, 1994. (tls;SMITH)

REMANDED TO OFFICE OF HEARINGS EXAMINERS, PR/PG

Item 38. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDERS CONCERNING THE PETITIONS OF CANUTILLO ISD AND RATE PAYERS APPEALING INCREASE IN RETAIL WATER RATES BY EL PASO COUNTY WCID-WESTWAY DOCKET NOS. 9122-W, 9482-A. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (THOMAS)

ADOPT EXAMINERS MEMORANDUM AND ISSUE ORDER, PG/PR

Item 39. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE PETITION OF THE EXECUTIVE DIRECTOR FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF TORQUE PETROLEUM PRODUCTS, INC. SWR No. 34323. RECOMMENDATION: ADOPTION OF AGREED ORDER. (SORRELLS)

ADOPT EXAMINERS MEMORANDUM AND ISSUE ORDER, PG/PR

Item 40. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF GARY GRIFFIN DBA AQUATEX WATER SUPPLY DBA TWIN CREEK PARK WATER SUPPLY CO. TO INCREASE RETAIL WATER RATES IN TRAVIS COUNTY, TEXAS (DOCKET NO. 9377-G). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 79 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (ROGAN).

ADOPT EXAMINERS MEMORANDUM AND ISSUE ORDER, PG/PR

Item 41. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF HITEXAS WATER CORPORATION TO INCREASE RETAIL WATER RATES IN CARLSON & HUTCHINSON COUNTIES, TEXAS (DOCKET NO. 9552-R). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 1001 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (JACKSON)

ADOPT EXAMINERS MEMORANDUM AND ISSUE ORDER, PG/PR

Item 42. CONSIDERATION OF EXAMINER'S MEMORANDUM AND PROPOSED PERMIT CONCERNING THE APPLICATION OF MATTIE K. CARTER TRUST (CARTER RANCH) FOR WATER USE PERMIT NO. 5374, LEON COUNTY, TEXAS, TO MAINTAIN AN EXISTING RESERVOIR TO IMPOUND NOT TO EXCEED 488 ACRE-FEET OF WATER FROM AN UNNAMED TRIBUTARY OF THE TRINITY RIVER, IN TRINITY RIVER BASIN, FOR DOMESTIC AND LIVESTOCK PURPOSES. RECOMMENDATION: ISSUANCE OF AUTHORIZATION. (ROGAN)

ADOPT EXAMINERS MEMORANDUM AND ISSUE ORDER, PG/PR

Item 43. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF GRD WATER, INC. TO INCREASE RETAIL WATER RATES IN PARKER COUNTY, TEXAS (DOCKET NO. 9542-G). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 100 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (CRAVEN).

ADOPT EXAMINERS MEMORANDUM AND ISSUE ORDER, PG/PR

Item 44. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF SHORELINE WATER SUPPLY, INC. TO INCREASE RETAIL WATER RATES IN MONTGOMERY COUNTY, TEXAS (DOCKET NO. 9578-G). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 31 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (ZUKAUCKAS)

ADOPT EXAMINERS MEMORANDUM AND ISSUE ORDER, PG/PR

Item 45. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF THE CITY OF HIGHLAND VILLAGE FOR AN AMENDMENT TO CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 12053. THE CITY OF HIGHLAND VILLAGE ALSO PROPOSES DECERTIFICATION OF A PORTION OF BARTONVILLE'S CCN NO. 10197 TO PROVIDE WATER SERVICE IN DENTON COUNTY, TEXAS. (DOCKET NO. 9454-C) RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (ZUKAUCKAS)

ADOPT EXAMINERS MEMORANDUM AND ISSUE ORDER, PG/PR

Item 46. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF PIXLEY WATER WORKS TO INCREASE RETAIL WATER RATES IN POLK COUNTY, TEXAS (DOCKET NO. 9563-R). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 358 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (ZUKAUCKAS)

ADOPT EXAMINERS MEMORANDUM AND ISSUE ORDER, PG/PR

ADDENDUM TO UNCONTESTED AGENDA

Wednesday, December 16, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 47. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR
AUTHORIZATION TO ENTER INTO CONTRACTS FOR BUDGETED
EXPENDITURES THAT DO NOT EXCEED \$1,000,000 (RAY)

APPROVE STAFF RECOMMENDATIONS, PG/PR

SECOND ADDENDUM TO UNCONTESTED AGENDA

Wednesday, December 16, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 48. CONSIDERATION TO APPOINT NEW MEMBERS TO THE MUNICIPAL SOLID WASTE MANAGEMENT AND RESOURCE RECOVERY ADVISORY COUNCIL.

APPROVED STAFF RECOMMENDATIONS, PG/PR

Item 49. CONSIDERATION OF THE PETITION FOR RELEASE OF ESCROWED FUNDS IN THE MATTER OF HELEN TAYLOR DBA TAYLOR WATER COMPANY PURSUANT TO TEXAS WATER CODE CHAPTER 13. (Carlton)

APPROVED STAFF RECOMMENDATION TO GRANT PETITION, PG/PR

THIRD ADDENDUM TO UNCONTESTED AGENDA

Wednesday, December 16, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 50. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF RHONE-POULENC BASIC CHEMICALS COMPANY FOR A CLASS 3 PERMIT MODIFICATION TO AUTHORIZE THE OPERATION OF A HAZARDOUS WASTE INCINERATOR STORAGE AND PROCESSING FACILITY IN HARRIS COUNTY, TEXAS. (RECOMMENDATION: Issuance. (SORRELLS)

ADOPT EXAMINERS MEMORANDUM AND ISSUE ORDER, PG/PR

FOURTH ADDENDUM TO UNCONTESTED AGENDA

Wednesday, December 16, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 51. CONSIDERATION OF AN AGREED ORDER REQUIRING CERTAIN ACTIONS OF WALTER CLINT HANKINS DBA TRI-COUNTY UTILITIES AND HANCO UTILITIES, INC., AND AMENDING A PREVIOUS ORDER, CCN NO. 12512, JOHNSON, PARKER, TARRANT, DENTON AND HOOD COUNTIES, TEXAS. (Smith, D.)

APPROVE AGREED ORDER AND AMEND PREVIOUS ORDER, PG/PR

UNCONTESTED OLD BUSINESS

Wednesday, December 16, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of November 18, 1992 and December 2, 1992.

- Item 1. APPLICATION BY CITY OF GREENVILLE for renewal of Permit No. 10485-02 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 4,230,000 gallons per day. The wastewater treatment facilities are approximately 1.3 miles east of the intersection of Interstate Highway 30 and U.S. Highway 69 in Hunt County, Texas.

CONTINUED TO JANUARY 27, 1993 AT 9:00 A.M.

Item carried forward from Agenda of December 2, 1992.

- Item 2. CONSIDERATION OF APPROVAL OF 1ST QUARTER BUDGET AMENDMENTS.
APPROVED, PR/PG

Item carried forward from the Agenda of November 18, 1992 and December 2, 1992.

- Item 3. APPLICATION NO. 14-5477A BY THE TESTAMENTARY TRUSTS CREATED UNDER THE WILL AND CODICILS OF LACY WITHERS ARMOUR, DECEASED, AND THE LAURENCE H. ARMOUR, JR., 1989 REVOCABLE TRUST DBA PIERCE RANCH TO AMEND CERTIFICATE NO. 14-5477. FOR COMMISSION ACTION. Applicant seeks to identify ownership of the remaining portion of the certificate, to update the name, to change 20000 acre-feet of water from irrigation to municipal, industrial and recreation use (10000, 5000 & 5000 respectively) in Wharton County. (SMITH/jgb)

CONTINUED TO JANUARY 13, 1993 AT 9:00 A.M.

Item carried forward from the Agenda of November 18, 1992 and December 2, 1992.

- Item 4. APPLICATION NO. 14-5477B BY THE LOWER COLORADO RIVER AUTHORITY TO AMEND CERTIFICATE NO 14-5477. TWC SECTION 11.122. FOR COMMISSION ACTION. Applicant acquired 55,000 acre-feet of water under the certificate from Pierce Ranch and seeks to identify ownership of this portion and will use a period of time of not to exceed five years to determine a diversion point and place of use for their portion of the water right. (SMITH/jgb).

CONTINUED TO JANUARY 13, 1993 AT 9:00 A.M.

Item carried forward from the Agenda of November 18, 1992 and

December 2, 1992.

- Item 5. APPLICATION NO. 14-5434A BY GARWOOD IRRIGATION COMPANY FOR A TWC SECTION 11.122 AMENDMENT TO CERTIFICATE NO. 14-5434. FOR COMMISSION ACTION. Applicant seeks to amend the certificate to authorize additional purposes of use for 35,000 acre-feet of the 168,000 acre-feet of irrigation use authorization under the certificate for municipal and industrial purposes.
(SMITH/jgb)

CONTINUED TO JANUARY 13, 1993 AT 9:00 A.M.

Item carried forward from the Agenda of December 9, 1992.

- Item 6. APPLICATION BY AQUILA REALITY FUND I, INC. for a permit (Proposed Permit No. 13617-01) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 4,100 gallons per day. The proposed wastewater treatment facilities will serve four small industrial warehouses. The plant site is approximately one mile north of the intersection of Greens Road and Spears Road; approximately 1,300 feet west of the intersection of Spears Road and Hugh Road in Harris County, Texas.

APPROVED, JH/PR

CONTESTED AGENDA

Wednesday, December 16, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST TO ADOPT NEW SECTION 331.147 AND REPEAL SECTION 305.153 RELATING TO FINANCIAL ASSURANCE FOR CLOSURE COSTS OF INJECTION CONTROL WELLS. (Grunberger)

Adopt new Section 331.147 and No Action Taken on Repeal of 305.153, PG/PR

- Item 2. CONSIDERATION OF THE PERMANENT ADOPTION OF AMENDMENTS TO 31 TEXAS ADMINISTRATIVE CODE CHAPTER 281 CONCERNING THE PROCESSING OF APPLICATIONS FOR NEW, AMENDED, OR RENEWED MUNICIPAL SOLID WASTE PERMITS. (Smith, J.)

Adopt Amendments to Chapter 281, PG/PR

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR AN ORDER REQUIRING CERTAIN ACTIONS OF HURRICANE STEEL INDUSTRIES, INC., AT ITS FORMER SITE IN LA GRANGE, TEXAS, MR. AND MRS. JOHN KIGER, RAYMOND G. SCHINDLER, ESTATE OF LEON SCHINDLER, HOWARD SCHINDLER, WILLIAM SCHINDLER, AND THE OTTO WOLFF CORPORATION; TEXAS SWR NO. 30208. (Ballard)

Continued to February 3, 1993.

- Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF GULF REDUCTION CORPORATION; SWR NO. 39259. (Ligarde)

Remand to Office Hearings Examiner, PG/PR

- Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ELTEX CHEMICAL & SUPPLY COMPANY; TEXAS SOLID WASTE REGISTRATION NO. 30271. (Ballard)

Continued to March 17, 1993.

- Item 6. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 165 FOR AUTHORIZATION TO PROCEED IN FEDERAL BANKRUPTCY. For Commission consideration and action. Applicant requests authorization to proceed in federal bankruptcy to implement a plan to restructure bonded debt so that conditions will be more favorable for development within the District and the payment of the District's obligations. (Cavazos)

Approve Staff Recommendation, PR/PG

- Item 7. APPLICATION BY BIG OAKS MUNICIPAL UTILITY DISTRICT FOR AUTHORIZATION TO PROCEED IN FEDERAL BANKRUPTCY. For Commission consideration and action. Applicant requests authorization to proceed in federal bankruptcy to implement a

plan to restructure bonded debt involving the exchange of existing District bonds for new bonds such that conditions will be more favorable for development within the District and the payment of the District's obligation. (Cavazos)

Approve Staff Recommendation, PR/PG

Item 8. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF DL UTILITIES, INC. TO INCREASE RETAIL WATER AND SEWER RATES IN MONTGOMERY COUNTY, TEXAS (DOCKET NO. 9433-G). APPLICANT PROVIDES RETAIL WATER AND SEWER SERVICE TO APPROXIMATELY 114 CUSTOMERS. RECOMMENDATION: APPROVAL OF RATES AND DENIAL OF RATE CASE EXPENSES. (ROGAN)

Adopt Examiner's Proposal for Decision and Issue Order with changes as Recommended by Examiner, PR/PG

Item 9. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION & ORDER CONCERNING THE APPLICATION OF TEMPLE-INLAND FOREST PRODUCTS CORPORATION (NORTHERN CHIPMILL) FOR PERMIT NO. 03492, TO AUTHORIZE THE INTERMITTENT DISCHARGE OF TREATED INDUSTRIAL WASTEWATER EFFLUENT IN ANGELINA COUNTY, TEXAS, AND SEGMENT NO. 0604 OF THE NECHES RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (O'NEAL)

Adopt Examiner's Proposal For Decision and Issue Order, PG/PR

Item 10. 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

Item 11. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO DISCUSS THE FOLLOWING PENDING LITIGATION AND OTHER LITIGATION THAT MAY ARISE CHALLENGING OR SUPPORTING COMMISSION ACTION RELATED TO THE EDWARDS AQUIFER: DANNY MCFADEN AND TEXAS FARM BUREAU VS. TEXAS WATER COMMISSION, NO. 92-05214, 331ST DISTRICT COURT OF TRAVIS COUNTY; EDWARDS UNDERGROUND WATER DIST. ET AL. VS. LIVING WATERS ARTESIAN SPS. LTD., ET AL., NO. 91-CI-14862, 57TH DISTRICT COURT OF BEXAR COUNTY; SIERRA CLUB, ET AL. VS. LUJAN, ET AL., NO. 91-CA-069, U.S. DISTRICT COURT, WESTERN DIST. OF TEXAS, MIDLAND ODESSA DIV.; GBRA VS. TEXAS FARM BUREAU, ET AL., NO. 92-05226, 299TH DISTRICT COURT OF TRAVIS COUNTY. L.B.TURLOVE, JR. AND JO HELEN BATOT VS. THE STATE OF TEXAS, TEXAS WATER COMMISSION, CAUSE NO. 92-08-18, 127-CV OF UVALDE COUNTY, 38TH JUDICIAL DISTRICT. THE AUTHORITY FOR THIS MEETING IS TEX. REV. CIV. STAT. ANN. ART. 6252-17, SEC. 2 (e).

No Action Taken

ADDENDUM TO CONTESTED AGENDA

Wednesday, December 16, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 12. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR INTERIM RATES CONCERNING THE PETITION OF BAYOU VISTA UTILITIES CO. (DOCKET NO. 9795-A) AND THE PETITION OF BAYOU VISTA POA (9850-A) FOR REVIEW OF GALVESTON CO. MUD NO. 12'S WHOLESALE WASTEWATER RATES. (MONTELONGO)

Approve Staff Recommendation for Interim Rates, PR/PG

Item 13. COMMISSION CONSIDERATION OF EXECUTIVE DIRECTOR'S REQUEST FOR INTERIM RATES CONCERNING THE APPLICATION OF JOY & ILENE POWELL DBA POWELL FARM WELLS (DOCKET NO. 9833-G) FOR A RATE INCREASE. (BROWN)

Approve Staff Recommendation for Interim Rates, PR/PG

SECOND ADDENDUM TO CONTESTED AGENDA

Wednesday, December 16, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 14. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF DEVINE AIRCRAFT REFINISHERS, TEXAS SOLID WASTE REGISTRATION NO. 52118. (Castanuela)

Issue Agreed Order, PR/PG

Item 15. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF NUBRO CORPORATION, LUBBOCK COUNTY, TEXAS, SWR NO. 39955. (Gonzalez)

Issue Agreed Order, PR/PG

CONTESTED OLD BUSINESS

Wednesday, December 16, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of November 18, 1992.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF TECH SPRAY, SWR NO. 35803. (Hall)

Issue Agreed Order, PR/PG

Item carried forward from Agenda of November 18, 1992.

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ATLAS ENERGY PRODUCTS, SWR NO. 20082. (HAHN)

Continued to February 3, 1993

Item carried forward from Agenda of December 2, 1992.

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER REQUIRING CERTAIN ACTIONS OF INDUSTRIAL CHROME PLATE, INC., TEXAS SOLID WASTE REGISTRATION NO. 32312; AND THE TEXAS DEPARTMENT OF TRANSPORTATION. (Alvarado)

Issue Agreed Order, PR/PG

Item carried forward from Agenda of December 9, 1992.

- Item 4 CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF PANEL PROCESSING OF TEXAS, INC., SWR NO. 31543. (Ballard)

Issue Proposed Agreed Order, PG/PR

EMERGENCY REVISED CONTESTED AGENDA

Wednesday, December 16, 1992

TEXAS WATER COMMISSION

8:00 a.m.
Room 118

Item 1. CONSIDERATION OF THE REPEAL OF 31 TEXAS ADMINISTRATIVE CODE (TAC) SECTIONS 330.411-330.530 AND 330.533-330.534 AND THE ADOPTION OF EMERGENCY RULES 31 TAC CHAPTER 312 FOR SLUDGE DISPOSAL AND LIFTING THE CURRENT MORATORIUM ON THE BENEFICIAL USE REGISTRATION PROGRAM. (SMITH, J./HERRIN)

(EMERGENCY ADDENDUM IS REQUIRED IN ORDER TO CORRECT LANGUAGE IN THE CAPTION.)

(1) The 45 applications that are uncontested by processed under the existing rules and policies with understanding that if a request for hearing is requested that, that request be granted, (2) Pending applications in Johnson County & Reeves County, Chairman Hall will meet with interested parties to discuss concerns that may exist. Chairman Hall is willing to have meetings on January 4 or 5. (3) Moratorium remain in effect for new applications until final rules for consideration and adoptions are approved by the Commission in about 45 days from December 16, 1992. JH/PG