

ORDER ISSUED POSTPONING ALL ITEMS ON AGENDA, CJ/JB/BJW
ALL ITEMS HAVE BEEN CONTINUED TO JUNE 6, 1990 AT 9:00 A.M. AS
OLD BUSINESS ITEMS, CJ/JB/BJW

CONTESTED AGENDA

Wednesday, May 23, 1990

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

- Item 1. CONSIDERATION OF THE NOTICE OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF BISCAYNE PROPERTIES, INC., PERMIT NO. 10791-001. (Corrigan)
- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR' PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF BILL BLUE DAIRY. (LIGARDE)
- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF DALE VAN ES DAIRY (LIGARDE)
- Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF MORGAN HALBERT DAIRY . (LIGARDE)
- Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF PENNEBAKER DAIRY. (LIGARDE)
- Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF HILL PETROLEUM COMPANY; SWR NO. 30520. (Renbarger)
- Item 7. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF LONE STAR STEEL COMPANY. WQ PERMIT NO. 00348, SWR 30093 (WATER QUALITY AND HAZARDOUS WASTE VIOLATIONS) (MCFADDIN)
- Item 8. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S MEMORANDUM AND PROPOSED ORDER RECOMMENDING THE FINDING OF PROBABLE GROUNDS TO TAKE JURISDICTION AND SET A TIME, PLACE, AND DATE FOR A HEARING IN DOCKET NO. 8157-M, THE PETITION OF TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 10 REQUESTING REVIEW OF THE CITY OF AUSTIN'S WHOLESALE WATER RATES. (Lanning)
- Item 9. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO DISCUSS PENDING OR CONTEMPLATED LITIGATION, AND TO DISCUSS 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 (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 art. 6252-17.

CONTESTED OLD BUSINESS

Wednesday, May 23, 1990

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of March 21, 1990.

- Item 1. CONSIDERATION OF NOTICE OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF EAST TEXAS STEEL FACILITIES, INC., (FORMERLY LONE STAR STEEL COMPANY), PERMIT NO. 00348. (Jordan)

Item carried forward from Agenda of October 26, 1989, January 24, 1990 and April 11, 1990.

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF SIVALLS TANKS, INC., SWR NO. 35690. (McFaddin)

Item carried forward from Agenda of April 25, 1990.

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF TORKELSON FLYING SERVICE; SWR NO. 39118. Smith, R.)

ADDENDUM CONTESTED OLD BUSINESS

Wednesday, May 23, 1990

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of May 16, 1990

- 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 WEINERT PERMIT NO. 11018-01 (MONTELONGO)

ORDER ISSUED POSTPONING ALL ITEMS ON AGENDA, CJ/JB/BJW

UNCONTESTED AGENDA

Wednesday, May 23, 1990

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 1. APPLICATION BY PRAIRIE VIEW DAIRY for a permit (Proposed Permit No. 03122) to authorize disposal of waste and wastewater from a confined animal feeding operation and dairy which consist of 3600 head with 1600 milking head. The facilities are approximately 4 miles west of the intersection of Farm-to-Market Road 1760 and U.S. Highway 84 in Billy County, Texas.

CONTINUED TO 6-06-90 AT 3 PM AS OLD BUSINESS

Item 2. APPLICATION BY LOWER COLORADO RIVER AUTHORITY for an amendment to Permit No. 02105 in order to delete existing Outfall 002 and establish a new Outfall 002 to regulate the discharge of cooling water drained from condensers and other cooling equipment during maintenance periods at a volume not to exceed an average flow of 2,500,000 gallons per day. The plant site is adjacent to Cedar Creek Reservoir, approximately seven (7) miles east (via State Highway 71) of the City of La Grange, Fayette County, Texas.

CONTINUED TO 6-06-90 AT 3 PM AS OLD BUSINESS

Item 3. APPLICATION BY CITY OF SHAMROCK for an amendment to Permit No. 10279-01 in order to change from a discharge permit to a permit authorizing disposal by irrigation and to increase the volume of treated domestic wastewater effluent. The plant site and the irrigation site in the final phase are approximately three miles south and 3/8 mile east of the intersection of U.S. Highway 66 and U.S. Highway 83 in Wheeler County, Texas.

CONTINUED TO 6-06-90 AT 3 PM AS OLD BUSINESS

Item 4. APPLICATION BY GUADALUPE-BLANCO RIVER AUTHORITY for renewal of Permit No. 10466-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 2,500,000 gallons per day. The wastewater treatment facilities are on the east bank of the Guadalupe River, midway between Wharf Street and Peachtree Street, approximately 1.7 miles southwest of the intersection of U.S. Highways 59, 77 and 87 in the City of Victoria in Victoria County, Texas.

CONTINUED TO 6-06-90 AT 3 PM AS OLD BUSINESS

Item 5. APPLICATION BY OLNEY SAVINGS & LOAN ASSOCIATION for renewal of Permit No. 12643-01 which authorizes a discharge of treated domestic wastewater effluent at an interim volume not to exceed 100,000 gallons per day average and a final volume not to exceed 200,000 gallons per day average from the Pinewood Place Wastewater Treatment Facilities. The plant site is at 9601 Dowdell Road, approximately 1/4 mile northeast from the

intersection of Dowdell Road with Farm to Market Road 2920 in Harris County, Texas.

CONTINUED TO 6-06-90 AT 3 PM AS OLD BUSINESS

Item 6. APPLICATION BY CITY OF KEMP for renewal of Permit No. 10695-01 which authorizes a 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 one and one-half miles southwest of the City of Kemp in Kaufman County, Texas.

CONTINUED TO 6-06-90 AT 3 PM AS OLD BUSINESS

Item 7. APPLICATION BY ETHYL CORPORATION for an amendment to Permit No. HW-50156 (EPA No. TXD-008096158) which authorizes a Class I hazardous waste industrial disposal facility. The amendment would authorize post-closure care of four closed surface impoundments and incorporate additional downgradient groundwater monitoring wells at one unit. The facility is located on a 420-acre tract of land at 1000 N. South Street in Pasadena, Harris County, Texas.

CONTINUED TO 6-06-90 AT 3 PM AS OLD BUSINESS

Item 8. APPLICATION BY AUTOCHEM NORTH AMERICA, INC. (formerly Pennwalt Corporation) for a minor amendment to Permit No. HW-50214 (EPA I.D. No. TXD-008090011) which authorizes a non-commercial hazardous waste storage and processing facility. The minor amendment will authorize extension of the due date for an incinerator carbon monoxide monitoring report from March 6, 1990 to July 4, 1990. The facility is located on a 17.4-acre tract of land in an industrial area off Haden Road in an unincorporated portion of eastern Harris County, Texas.

CONTINUED TO 6-06-90 AT 3 PM AS OLD BUSINESS

Item 9. APPLICATION BY BAYBROOK MUNICIPAL UTILITY DISTRICT NO. 1 OF HARRIS COUNTY FOR APPROVAL OF A \$2,300,000 UNLIMITED TAX SECOND BOND ISSUE. For Commission consideration and action. The applicant requests approval for the sale of \$2,300,000 in bonds to purchase the remaining portion of the District's pro rata share of the 24-inch surface water supply line, the 24-inch surface water supply line (Segment A), and capacity in the Blackhawk Regional Wastewater Treatment Plant from the developer.

CONTINUED TO 6-06-90 AT 3 PM AS OLD BUSINESS

Item 10. APPLICATION BY ZAPATA COUNTY WATER CONTROL & IMPROVEMENT DISTRICT-HIWAY 16 EAST, FOR APPROVAL OF A \$760,000 SERIES 1989 FIRST BOND ISSUE WITH A NET EFFECTIVE INTEREST RATE OF 7.500%. For Commission consideration and action. Applicant seeks approval to issue \$760,000 in bonds to finance construction of a water distribution system and the purchase of water rights to the Rio Grande.

CONTINUED TO 6-06-90 AT 3 PM AS OLD BUSINESS

Item 11. APPLICATION BY LAKE LBJ MUNICIPAL UTILITY DISTRICT OF BURNET AND LLANO COUNTIES FOR APPROVAL OF A \$1,600,000 UNLIMITED TAX AND REVENUE BOND ISSUE AND THE APPROVAL OF A CHANGE IN PLANS, THE USE OF SURPLUS FUNDS, AND A RELEASE FROM ESCROW; \$940,000 BOND ISSUE APPROVED JANUARY 27, 1984. For Commission

consideration and action. The applicant seeks approval to issue \$1,600,000 in bonds to finance the construction of treated wastewater effluent facilities and to use surplus funds and funds in escrow to finance a portion of the construction costs.

CONTINUED TO 6-06-90 AT 3 PM AS OLD BUSINESS

Item 12. APPLICATION BY LAKEWAY MUNICIPAL UTILITY DISTRICT OF TRAVIS COUNTY; APPLICATION FOR APPROVAL TO USE SURPLUS FUNDS; \$5,330,000 BOND ISSUE APPROVED SEPTEMBER 20, 1984. For Commission consideration and action. The applicant seeks approval to use \$70,000 in surplus construction funds to finance construction of by-pass piping, internal repairs, and the painting of the 500,000 gallon elevated storage tank.

CONTINUED TO 6-06-90 AT 3 PM AS OLD BUSINESS

Item 13. APPLICATION BY CLEAR LAKE CITY WATER AUTHORITY FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS, \$3,350,000 BOND ISSUE APPROVED DECEMBER 21, 1989. For Commission consideration and action. Applicant requests approval of the release of \$878,049 of escrowed funds for construction of water, wastewater and drainage facilities for Glen Falls, Section 1.

CONTINUED TO 6-06-90 AT 3 PM AS OLD BUSINESS

Item 14. APPLICATION BY THE CITY OF LA PORTE, AS SUCCESSOR TO COLLEGE VIEW MUNICIPAL UTILITY DISTRICT (DISSOLVED), FOR APPROVAL TO RELEASE FUNDS FROM ESCROW; \$3,350,000 BOND ISSUE APPROVED FEBRUARY 17, 1984. For Commission consideration and action. The applicant requests approval to release funds from escrow to finance the construction of an elevated storage tank and a 12-inch water distribution line to serve the western portion of the City including the former College View MUD.

CONTINUED TO 6-06-90 AT 3 PM AS OLD BUSINESS

Item 15. APPLICATION BY RICEWOOD MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY. For Commission consideration and action. Applicant seeks approval of the levy of a standby fee against undeveloped single family lots in the District in the amount of \$15/lot per month to supplement its debt service account.

CONTINUED TO 6-06-90 AT 3 PM AS OLD BUSINESS

Item 16. APPLICATION BY GREENS PARKWAY MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF AUTHORITY TO ADOPT AND IMPOSE A STANDBY FEE; \$6,415,000 BOND ISSUE APPROVED APRIL 18, 1985. For Commission consideration and action. Applicant seeks authority to adopt and impose a standby fee to supplement the operation and maintenance account.

CONTINUED TO 6-06-90 AT 3 PM AS OLD BUSINESS

Item 17. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 348 FOR APPROVAL OF AN EXTENSION OF TIME; \$2,840,000 BOND ISSUE APPROVED MARCH 30, 1989. For Commission consideration and action. Applicant seeks Commission approval of a one year extension of time to issue its bonds.

CONTINUED TO 6-06-90 AT 3 PM AS OLD BUSINESS

Item 18. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION AND

PROPOSED ORDER SETTING INTERIM RATES FOR INDUSTRIAL UTILITIES SERVICES, INC., DOCKET NO. 8425-G. (Renbarger)

CONTINUED TO 5-30-90 AT 3 PM

Item 19. APPLICATION OF CITY OF TEMPLE for an amendment to water Certificate of Convenience and Necessity No. 11435 in Bell County. (Application No. 8344- Holck)

CONTINUED TO 6-06-90 AT 3 PM AS OLD BUSINESS

Item 20. APPLICATION OF NEW HOPE WATER SUPPLY CORPORATION for an amendment to water Certificate of Convenience and Necessity No. 10485 in Wood County, Texas. (Application No. 8325-C, Holck)

CONTINUED TO 6-06-90 AT 3 PM AS OLD BUSINESS

Item 21. APPLICATION OF WALTER J. CARROLL WATER COMPANY, INC. DBA CARROLL WATER COMPANY to transfer water Certificate of Convenience and Necessity Number 11543 from Walter A. Carroll dba Carroll Water Company in Ellis County. (Application No. 8222-T, Horst)

CONTINUED TO 6-06-90 AT 3 PM AS OLD BUSINESS

Item 22. APPLICATION OF SAM GORE DBA DAIRYLAND HEIGHTS WATER for a water Certificate of Convenience and Necessity, No. 12333, in Hardin County. (Application No. 8287-C) (Holck)

CONTINUED TO 6-06-90 AT 3 PM AS OLD BUSINESS

Item 23. APPLICATION OF JAMES REX MCELVEY DBA CHOKE CANYON WATER SYSTEM to transfer a portion of water Certificate of Convenience and Necessity No. 10570 from El Oso Water Supply Corporation and to amend Certificate No. 12012 in Live Oak County. (Application No. 8322-S, Erwin)

CONTINUED TO 6-06-90 AT 3 PM AS OLD BUSINESS

Item 24. APPLICATION NO. 5283 BY STEPHEN TARLTON DOUGHERTY FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT. FOR COMMISSION ACTION. Applicant seeks authorization to directly divert and use not to exceed 150 acre-feet of water per annum from Poesta Creek, San Antonio-Nueces Coastal Basin to irrigate 150 acres of land within a larger 1240-acre tract approximately 7 miles southeast of Beeville, Bee County, Texas where water will be diverted from either of two points at a maximum combined rate of 2.23 cfs (1000 gpm). (JORDAN/jme)

CONTINUED TO 6-06-90 AT 3 PM AS OLD BUSINESS

Item 25. APPLICATION NO. 5284 BY TEXAS UTILITIES MINING COMPANY FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT. For Commission Action. Applicant seeks authorization to construct four dams on unnamed tributaries of Hart Creek and Tankersley Creek, Cypress Basin, with a combined total impounding capacity of 92.30 acre-feet and use the impoundments for industrial (sedimentation control) purposes in applicant's Monticello B2 mining area, approximately 2.5 miles northwest of Mount Pleasant, Titus County Texas. (JORDAN/wph).

CONTINUED TO 6-06-90 AT 3 PM AS OLD BUSINESS

Item 26. APPLICATION NO. 5285 BY TEXAS UTILITIES MINING COMPANY FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT. For Commission Action. Applicant seeks authorization to construct and maintain two dams on an unnamed tributary of Piney Creek and Piney Creek, Sulphur River Basin, with a combined total impounding capacity of 170.50 acre-feet of water and use the impoundments for industrial (sedimentation control) purposes in the applicant's Monticello B2 mining area, approximately 3.9 miles northwest of Mount Pleasant, Titus County, Texas. (JORDAN/wph)

CONTINUED TO 6-06-90 AT 3 PM AS OLD BUSINESS

Item 27. APPLICATION NO. 14-5483A BY NIX O. BODDEN & WIFE, CARLEEN BODDEN TO COMBINE WATER RIGHTS UNDER CERT. NOS. 14-5370 & 14-5483 AND TO AMEND CERT NO. 14-5483. For Commission Action. Applicants seek to combine water rights owned under Cert. No. 14-5370 with Cert. 14-5483 and to amend Cert. No. 14-5483 to designate an authorized diversion point and to restate their total rights under Cert. No. 14-5483, viz., One acre-foot of water per annum from the Colorado River (Lake Austin), Colorado River Basin, to irrigate two acres of land, approximately 7 miles northwest of Austin, Travis County, Texas. (JORDAN/wph).

CONTINUED TO 6-06-90 AT 3 PM AS OLD BUSINESS

Item 28. APPLICATION NO. 5184A BY V. C. CATTLE COMPANY, INC. TO AMEND PERMIT NO. 5184 For Commission consideration and action. Applicant seeks to amend Permit No. 5184 by changing the location of the dam site from the presently authorized location to a location approximately 1800 feet upstream and by reducing the authorized reservoir capacity from 571.5 acre-feet to 542.7 acre-feet, Caddo Creek, Neches River Basin, Henderson County, Texas. (JORDAN/rma)

CONTINUED TO 6-06-90 AT 3 PM AS OLD BUSINESS

UNCONTESTED OLD BUSINESS

Wednesday, May 23, 1990

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item carried forward from Agenda of April 4, 1990 and April 25, 1990

- Item 1. APPLICATION BY GULF STATES ASPHALT COMPANY, INC. for an amendment to Permit No. 01058 to authorize an increase in the discharge of utility wastewaters commingled with stormwater from a volume not to exceed an average flow of 50,000 gallons per day to a volume not to exceed an average flow of 60,000 gallons per day. The proposed amendment would also delete Outfall 002 which previously regulated the discharge of stormwater and reroute the stormwater through Outfall 001. Effluent limitations for chemical oxygen demand have been revised from 80 lbs/day to 63 lbs/day and biomonitoring requirements have been added. The applicant operates the South Houston Plant, an asphalt products manufacturing plant (includes roofing and paving products and asphalt emulsions). The plant site is at 300 Christy Place in the City of South Houston, Harris County, Texas. The effluent is discharged into a roadside ditch; thence to Berry Bayou; thence to Sims Bayou; thence to the Houston Ship Channel, Segment No. 1007 of the San Jacinto River Basin.

CONTINUED TO 6-06-90 AT 3 PM AS OLD BUSINESS

ADDENDUM TO UNCONTESTED OLD BUSINESS

Wednesday, May 23, 1990

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item carried forward from Agenda of May 16, 1990.

- Item 2. CONSIDERATION OF THE FINAL SELECTION OF ENGINEERING SERVICES FIRMS FOR INVESTIGATIVE AND REMEDIAL ACTIVITIES IN RESPONSE TO RELEASES FROM PETROLEUM STORAGE TANKS AND REGIONS I-VI AND RELEASES FROM UNDERGROUND STORAGE TANKS COVERED BY (LUST) TRUST FUNDS. (Vay)

CONTINUED TO 5-30-90 AT 3 PM

Item carried forward from Agenda of May 16, 1990.

- Item 3. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF EXECUTIVE DIRECTOR FOR ENFORCEMENT ACTION AGAINST RANDY HUNT AND TERRY HUNT DBA HUNT'S WATER OPERATIONS, ET.AL., WHICH OPERATES IN MCLENNAN AND BOSQUE COUNTIES. Applicant provides retail water service to approximately 500 customers. Recommendation: Dismissal of action in accordance with the request of the Executive Director. (Sullivan)

CONTINUED TO 5-30-90 AT 3 PM

Item carried forward from Agenda of May 16, 1990.

- Item 4. CONSIDERATION OF A MOTION FOR REHEARING ON THE ORDER CONCERNING THE INQUIRY INTO THE RATES CHANGED AND SERVICE PROVIDED BY HUNT'S WATER OPERATIONS OF MCLENNAN COUNTY, TEXAS; DOCKET #8210-I. (This item was considered on March 28, 1990.)

CONTINUED TO 5-30-90 AT 3 PM