

BIRDWELL  
JOHNSON  
WYNNE/ABSENT AND EXCUSED

CONTESTED AGENDA

Wednesday, June 13, 1990

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

- Item 1. APPLICATION BY SCB DEVELOPMENT COMPANY, INC. for renewal of Permit No. 12831-01 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 400,000 gallons per day from the Logan Ranch Wastewater Treatment Facilities. The permittee shall make maximum use of the 150-acre golf course for irrigation with the treated effluent at an application rate not to exceed 3.4 acre-feet/acre/year. The plant site is approximately 2000 feet north-northeast of Williamson County Road 190 crossing Berry Creek, approximately 4250 feet northwest of the intersection of Interstate Highway 35 and State Highway 195 in Williamson County, Texas.

RENEWED, CJ/JB

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF TOSHIBA INTERNATIONAL CORPORATION. (Montelongo)

CONTINUED TO JUNE 27, 1990 @ 9:00 A.M.

- Item 3. CONSIDERATION OF THE ADOPTION OF 31 TEXAS ADMINISTRATIVE CODE SECTION 294.25, CONCERNING THE DESIGNATION OF THE REAGAN, UPTON, AND MIDLAND COUNTY CRITICAL AREA. (Smith, R.)

APPROVED, CJ/JB

- Item 4. 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.

NO ACTION TAKEN

CONTESTED OLD BUSINESS

Wednesday, June 13, 1990

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item carried forward from Agenda of March 14, 1990.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF AEGON USA REALTY ADVISORS, INC., (FORMERLY WELLMAN INDUSTRIES, INC.), SWR NO. 33350. (Dickman)

REMANDED ORDER BACK TO EXECUTIVE DIRECTOR FOR FURTHER REVISIONS AND PROCESSING, CJ/JB

Item carried forward from Agenda of February 23, March 9, March 16, April 20, May 11, August 17, October 12, November 16, December 14, 1989, January 31, 1990 March 7, 1990 and April 25, 1990.

- Item 2. APPLICATION BY TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1 OF DENTON AND TARRANT COUNTIES FOR APPROVAL OF A \$1,780,000 UNLIMITED TAX BOND ISSUE AND THE USE OF \$250,000 IN SURPLUS FUNDS. For Commission consideration and action. Application requests approval of the bond issue and the use of surplus funds to reimburse the developer for construction of facilities in Lake Forest Village, Sections 3 and 4, the expansion to the sewage treatment plant, and to finance construction of a lift station and force main.

CONTINUED TO AUGUST 15, 1990 @ 9:00 A.M.

Item carried forward from Agenda of March 21, 1990 and May 2, 1990

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ALLIED RADIATOR SERVICE. (DICKMAN)

APPROVED W/STAFF RECOMMENDATIONS, CJ/JB

Item carried forward from Agenda of May 16, 1990.

- Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF MERRITT TOOL COMPANY; SWR NO. 33042. (Renbarger)

APPROVED, CJ/JB

Item carried forward from Agenda of March 21, 1990 and May 30, 1990.

Item 5. CONSIDERATION OF A MOTION FOR REHEARING to modify the final Order in this Docket No. 7857-C granting Fort Worth a CCN as requested in its application. The item was considered on February 7, 1990 and the Commissioners granted Fort Worth a CCN for treated water service for an area that roughly corresponds to Fort Worth's existing corporate limits.

OVERRULED THE M.F.R., CJ/JB

ADDENDUM TO CONTESTED OLD BUSINESS

Wednesday, June 13, 1990

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item carried forward from Agenda of June 6, 1990.

- Item 6. CONSIDERATION OF DESIGNATION OF FIVE CRITICAL AREAS PURSUANT TO TEX. WATER CODE ANN. SECTIONS 52.051 - .054. THESE CRITICAL AREAS ARE PROPOSED TO BE ADOPTED IN THE FORM OF A RULE IN 31 TEX. ADMIN. CODE CHAPTER 294.

APPROVED THE CRITICAL AREA DESIGNATION ON AREA NOS. 2-HILL COUNTRY, NO. 3-REAGAN, UPTON & MIDLAND COUNTIES, AND 4-HALE, SWISHER & BRISCOE COUNTIES AND REMANDED TO OFFICE OF HEARINGS EXAMINERS FOR DISTRICT CREATION HEARINGS; APPROVED CRITICAL AREA DESIGNATION ON AREA NO. 2 (HILL COUNTRY) BUT DEFERRED DECISION CONCERNING DISTRICT CREATION HEARING UNTIL SEPTEMBER 1, 1991; EL PASO'S CRITICAL AREA WAS CONTINUED TO JUNE 20, 1990 AT 9:00 A.M., CJ/JB

Item carried forward from Agenda of June 6, 1990.

- Item 7. 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)

CONTINUED TO JULY 11, 1990 AT 9:00 A.M.

Item carried forward from Agenda of March 28, 1990 , April 11, April 25, May 2, May 30, and June 6, 1990

- Item 8. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE PETITIONS OF LONGVIEW AND KILGORE TO SET WHOLESALE WATER RATES IN GREGG AND RUSK COUNTIES, TEXAS; DOCKETS NOS. 7796-M AND 7831-M. Recommendation: Setting of wholesale rates. (O'Neal)

APPROVED W/REVISED STAFF RECOMMENDATIONS, CJ/JB

BIRDWELL  
JOHNSON  
WYNNE/ABSENT & EXCUSED

UNCONTESTED AGENDA

Wednesday, June 13, 1990

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item 1. APPLICATION BY MILLS ROAD MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE USE OF \$65,000 IN SURPLUS FUNDS; \$5,250,000 BOND ISSUE APPROVED JULY 2, 1985. For Commission consideration and action. Applicant seeks approval of the use of \$65,000 in surplus construction funds for transfer to its Debt Service Fund.

APPROVED, JB/CJ

Item 2. APPLICATION BY REID ROAD MUNICIPAL UTILITY DISTRICT NO. 1 OF HARRIS COUNTY FOR APPROVAL TO USE SURPLUS FUNDS; \$3,355,000 BOND ISSUE APPROVED MAY 31, 1983. For Commission consideration and action. The applicant seeks approval to use \$260,000 in surplus funds to finance the design and construction of an ultraviolet dechlorination system.

APPROVED, JB/CJ

Item 3. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 55 FOR RELEASE OF ESCROWED FUNDS; \$1,495,000 BOND ISSUE APPROVED NOVEMBER 14, 1988. For Commission consideration and action. The District requests Commission approval for the release of \$208,250 from escrow to finance 175,000 gpd capacity in the City of Houston's Southeast Water Purification Plant.

APPROVED, JB/CJ

Item 4. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF BULVERDE UTILITY COMPANY, INC. TO INCREASE RETAIL WATER RATES IN COMAL AND BEXAR COUNTIES, TEXAS; DOCKET NO. 8354-R. Applicant provides retail water service to approximately 459 residential customers and 1 commercial customer. Recommendation: Adoption of agreement of parties. (Sahs)

CONTINUED TO 6-20-90 @ 3:00 P.M. AS OLD BUSINESS.

Item 5. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION AND PETITIONS OF KRUGER WATER WORKS, INC. TO INCREASE RETAIL WATER RATES IN DENTON COUNTY, TEXAS; DOCKET NOS. 8236-A, 8397-R AND 8489-A. Applicant provides retail water service to approximately 256 residential customers and 12 commercial customers located inside and outside the corporate limits of the City of Krugerville, Texas. Recommendation: Adoption of agreement of parties. (Sahs)

CONTINUED TO 6-20-90 @ 3:00 P.M. AS OLD BUSINESS.

Item 6. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF RIVERCREST WATER SYSTEM TO INCREASE RETAIL

WATER RATES IN TRAVIS COUNTY, TEXAS; DOCKET NO. 8286-G. Applicant provides retail water service to approximately 187 customers. Recommendation: Adoption of agreement of parties. (Murphy)

CONTINUED TO 6-20-90 @ 3:00 P.M. AS OLD BUSINESS.

Item 7. APPLICATION OF HILLCREST WATER COMPANY, CCN No. 11713, for a Rate/Tariff Change, in Tarrant County. (Application No. 8334-G) Wiley, Arroyo.

APPROVED, JB/CJ

Item 8. APPLICATION OF DOG RIDGE WATER SUPPLY CORPORATION, CCN No. 10048, to purchase facilities of Dan Whiteside dba Twin Lakes Water Supply Company and transfer a portion of water CCN No. 11380 from J & R Water Supply Corporation in Bell County. (Application No. 8288-S) Carlson.

APPROVED, JB/CJ

Item 9. APPLICATION OF POLK COUNTY FRESH WATER SUPPLY DISTRICT NO. 2 to purchase facilities from Impala Woods Water Company and to transfer and cancel sewer Certificate of Convenience and Necessity No. 20618 in Polk County. (Application No. 8359-S) Wiley.

APPROVED, JB/CJ

Item 10. APPLICATION NO. 5287 BY FIRST CITY, TEXAS TYLER, N.A. AS TRUSTEE UNDER THE WILL OF B. G. BYARS FOR BILLY G. BYARS, JR. AND EMILY ELIZABETH BYARS FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT APPLICATION. FOR COMMISSION ACTION. Applicant seeks to maintain existing 491 acre-feet capacity dam/reservoir (Timber Lake) on Born Branch East Mill Creek, Sabine River Basin, Smith County, approximately 11 miles northeast of Tyler, Texas, for recreational, domestic and livestock uses. (JORDAN/lb)

APPROVED, JB/CJ

Item 11. APPLICATION NO. 6340 BY V. K. KNOWLTON PAVING CONTRACTOR, INC. FOR A TEMPORARY WATER USE PERMIT PURSUANT TO TEXAS WATER CODE SECTION 11.138. FOR COMMISSION ACTION. Applicant seeks authorization to divert and use 25 acre-feet of water within a 2-year period from the South Fork Llano River, Colorado River Basin, for industrial purposes (highway construction - US 377) from the river adjacent to US 377, approximately 8 miles southwest of Junction, Kimble County, Texas. (JORDAN/jme)

APPROVED, JB/CJ

Item 12. APPLICATION NO. TA-6341 BY SOUTH TEXAS CONSTRUCTION COMPANY FOR A TEMPORARY WATER USE PERMIT PURSUANT TO TEXAS WATER CODE SECTION 11.138. FOR COMMISSION ACTION. Applicant seeks authorization to divert and use 15 acre-feet of water within a 2-year period from Spring Creek, tributary of the Guadalupe River, Guadalupe River Basin, for industrial purposes (highway construction - US 87) from the creek crossing of US 87, approximately 3 miles northwest of Victoria, Victoria County, Texas. (JORDAN/jme)

APPROVED, JB/CJ

Item 13. CONSIDERATION OF THE PETITION OF THE EXECUTIVE DIRECTOR FOR ORDER NUNC PRO TUNC; CEDARWOOD INVESTORS D/B/A CEDARWOOD DAIRY; PERMIT NO. 03132. (Smith, S.)

ADOPTED, JB/CJ

Item 14. APPLICATION BY CHARLES & JOHNNY KOETHER DBA VISTA VIEW DAIRY for a permit (Proposed Permit No. 03180) to authorize disposal of waste and wastewater from a confined animal feeding operation and dairy which consists of 600 head. The confined animal feeding operation and dairy are adjacent to Farm-to-Market Road 2414, approximately 1.5 miles south of the intersection of Farm-to-Market Road 2414 and Farm-to-Market Road 221 in Hamilton County, Texas.

APPROVED, JB/CJ

Item 15. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 81 for a permit (Proposed Permit No. 13051-02) to authorize discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 650,000 gallons per day. The proposed wastewater treatment facility will serve a residential subdivision. The plant site is to be approximately ten miles northwest of Rosenberg, Texas and three miles south-southwest of Fulshear in Fort Bend County, Texas.

APPROVED, JB/CJ

Item 16. APPLICATION BY RONALD L. HENSARLING for renewal of Permit No. 12152-01 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 250,000 gallons per day from the Greenhollow Development Wastewater Treatment Facilities which have not been constructed. The plant site is to be on the southern edge of Greenhollow Park Subdivision, approximately 1,500 feet east of Interstate Highway 45 and 1/2 mile north of Greens Road in Harris County, Texas.

RENEWED, JB/CJ

Item 17. APPLICATION BY JILL LAUGHLIN for renewal of Permit No. 12950-01 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 46,000 gallons per day from the Little Branch Townhomes Wastewater Treatment Facilities which have not yet been constructed. The plant site will be approximately 1/2 mile east-northeast of the intersection of State Highway 64 and State Highway Spur 124, and approximately 1.5 miles southeast of the intersection of State Highway 31 and State Highway Loop 323 in Smith County, Texas.

RENEWED, JB/CJ

Item 18. APPLICATION BY JOLLY OIL CO. for renewal of Permit No. 11349-01 which authorizes disposal of treated domestic wastewater effluent from a commercial truck stop by irrigation on 20 acres of farmland. The disposal volume is not to exceed an average of 3,400 gallons per day. The treatment system is at the intersection of Farm-to-Market Road 2393 and U.S. Highway 287 in Clay County, Texas.

RENEWED, JB/CJ



UNCONTESTED OLD BUSINESS

Wednesday, June 13, 1990

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item carried forward from Agenda of April 11, 1990.

- Item 1. APPLICATION BY GULF COAST WASTE DISPOSAL AUTHORITY for renewal of Permit No. 11998-01 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 4,000,000 gallons per day from the Alief Regional Wastewater Treatment Facilities. The plant site is north of Brays Bayou, approximately 4500 feet north of the intersection of Alief Road and Synott Road in Harris County, Texas. The effluent is discharged into a Harris County Flood Control Ditch; thence to Brays Bayou; thence to the Houston Ship Channel in Segment No. 1007 of the San Jacinto River Basin. In accordance with the Texas Surface Water Quality Standards, the Commission staff must determine the existing uses for the receiving water in the area of the proposed discharge. The unclassified receiving waters of the Harris County Flood Control Ditch have no aquatic life uses. The designated uses for Segment No. 1007 are industrial water supply, navigation and no aquatic life uses. The effluent limitations in the draft permit will maintain and protect the existing instream uses. All determinations are preliminary and subject to additional review and/or revisions. The Executive Director of the Texas Water Commission has prepared a draft permit which, if approved by the Commission, will specify conditions and limitations generally the same as those currently enforced by the existing permit except that effluent limitations for minimum dissolved oxygen concentration have been revised from 2 mg/l to 4 mg/l. Effective April 1, 1991, provisions for dechlorinating the chlorinated effluent will be added. It is proposed that the expiration date of the renewed permit be specified as midnight, five years after date of Commission approval.

RENEWED, JB/CJ

Item carried forward from Agenda of April 11, 1990.

- Item 2. APPLICATION BY GULF COAST WASTE DISPOSAL AUTHORITY for renewal of Permit No. 11538-01 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 4,500,000 gallons per day from the White Oak Bayou Wastewater Treatment Facilities. The plant site is on the north side of White Oak Bayou, at 15201 Phillipine Street within Jersey Village, approximately 500 feet southeast of the intersection of Equador and Phillipine Street in Jersey Village in Harris County, Texas. The effluent is discharged into White Oak Bayou; thence to Buffalo Bayou in Segment No. 1013 of the San Jacinto River Basin. In accordance with the Texas Surface Water Quality Standards, the Commission staff must determine the existing uses for the receiving water in the area of the proposed discharge and whether the proposed discharge will

cause significant degradation to any high quality waters in the area. The unclassified receiving waters of White Oak Bayou have limited aquatic life uses. The designated uses for Segment No. 1013 are contact recreation and no significant aquatic life. The effluent limitations in the draft permit will maintain and protect the existing instream uses. All determinations are preliminary and subject to additional review and/or revision. The Executive Director of the Texas Water Commission has prepared a draft permit which, if approved by the Commission, will specify conditions and limitations generally the same as those currently enforced by the existing permit except that effluent limitations have been more stringent. Effective July 1, 1991, provisions for dechlorinating the chlorinated effluent will be added. It is proposed that the expiration date of the renewed permit be specified as midnight, five years after date of Commission approval.

RENEWED, JB/CJ

Item carried forward from Agenda of May 16, 1990 and May 30, 1990.

Item 3. APPLICATION BY FRISCO MUD NO. 1 OF COLLIN & DENTON COUNTIES FOR APPROVAL OF THE ISSUANCE OF \$7,800,000 IN UNLIMITED TAX BONDS, 9.0% NET EFFECTIVE INTEREST RATE, SERIES 1990, FIRST ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$7,800,000 in tax bonds to finance construction of a water plant, water mains, a wastewater treatment plant, wastewater trunk lines, and utilities to serve residential and commercial areas.

CONTINUED TO JUNE 20, 1990 @ 3:00 P.M.

ADDENDUM TO UNCONTESTED OLD BUSINESS

Wednesday, June 13, 1990

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item carried forward from Agenda of June 6, 1990.

- Item 4. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF HANCO UTILITIES, INC. DBA TRI-COUNTY UTILITIES TO INCREASE RETAIL WATER RATES IN JOHNSON, HOOD, DENTON, PARKER AND TARRANT COUNTIES, TEXAS; DOCKET NO. 8245-R. Applicant provides retail water service to approximately 670 customers. Recommendation: Adoption of agreement of parties. (Sullivan)

APPROVED THE ORDER FOR DISMISSAL AND THE REVISION RECOMMENDED BY STAFF, CJ/JB

Item carried forward from Agenda of June 6, 1990.

- Item 5. CONSIDERATION OF THE ADOPTION OF NEW 31 TEXAS ADMINISTRATIVE CODE SECTIONS 321.42 - 321.46, CONCERNING THE REGISTRATION AND OPERATION OF DAIRY WASTE MANAGEMENT FACILITIES. The new sections are slightly modified versions of existing emergency rules adopted by the Commission on December 12, 1989, and extended on April 11, 1990.

ADOPTED, CJ/JB

EMERGENCY ADDENDUM TO UNCONTESTED AGENDA

Wednesday, June 13, 1990

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item 19. APPLICATION FOR AN EMERGENCY ORDER BY TINSE CHEMICAL COMPANY, INC. ("APPLICANT"), PERMIT NO. 03027, TO BE ALLOWED TO DISCHARGE AN AVERAGE OF 80,000 GALLONS PER DAY WITH A MAXIMUM OF 125,000 GALLONS PER DAY OF TREATED WASTEWATER INTO THE TEXAS CITY SHIP CHANNEL IN SEGMENT 2437 OF THE BAYS AND ESTUARIES. (MARTINEZ, ROBERT)

An emergency addition to the agenda is necessary due to this emergency order is requested to prevent severe economic loss to the applicant.

CONTINUED WITHOUT OBJECTION TO JUNE 20, 1990 @ 3:00 P.M.