

BIRDWELL/ACTING CHAIRMAN  
JOHNSON  
WYNNE/ABSENT & EXCUSED

CONTESTED AGENDA

Wednesday, July 25, 1990

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S INVESTIGATION INTO THE OPERATIONS AND SERVICES RENDERED BY JANET BROWN, D/B/A WEST CEDAR CREEK ESTATES WATER SYSTEM - VIOLATION OF CHAPTER 13 OF THE TEXAS WATER CODE, DOCKET NO. 8355-E. (Smith, D.)

CONTINUED TO SEPTEMBER 19, 1990 AT 9:00 A.M.

Item 2. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE PETITION OF ROCKETT WATER SUPPLY CORPORATION FOR A CEASE AND DESIST ORDER AGAINST THE CITY OF WAXAHACHIE; DOCKET NO. 8117-D. Recommendation: Denial (Colbert)

ADOPTED THE DENIAL, CJ/JB

Item 3. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE APPLICATION OF FINA OIL AND CHEMICAL COMPANY FOR AN AMENDMENT TO PERMIT NO. 01768 TO AUTHORIZE THE DISCHARGE OF 1,224,000 gpd OF TREATED EFFLUENT IN HOWARD COUNTY, TEXAS, AND SEGMENT NO. 1412 OF THE COLORADO RIVER BASIN. Recommendation: Issuance of permit. (Wood)

CONTINUED TO AUGUST 8, 1990 AT 3:00 P.M.

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF LEIGH METAL COATING AND MACHINERY, INC., (31675). (Renbarger)

REMANDED TO OFFICE OF HRGS. EXAMINER FOR A EVIDENTIARY HEARING, CJ/JB

Item 5. 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, July 25, 1990

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item carried forward from Agenda of October 26, 1989, January 24, 1990, April 11, June 6, 1990.

- Item 1. 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)

CONTINUED TO SEPTEMBER 26, 1990 AT 9:00 A.M.

Item carried forward from Agenda of June 6 and June 27, 1990.

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF PHILIP MOYA DBA HILL COUNTRY METALS, SWR 39800. (RENBARGER)

ADOPTED PROPOSED ORDER, CJ/JB

Item carried forward from Agenda of May 23, June 6 and June 27, 1990.

- Item 3. 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)

REMANDED BACK TO EXECUTIVE DIRECTOR

DOCKET

Wednesday, July 25, 1990

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item 1. COMMISSION CONSIDERATION WHETHER TO AFFIRM, MODIFY OR SET ASIDE EMERGENCY ORDER NO. 90-19E ISSUED ON JUNE 27, 1990 TO MR. PRESTON DOUGLAS AND MS. GERI DOUGLAS D/B/A GORDONVILLE WATER COMPANY AND SHERWOOD SHORES SOUTH WATER COMPANY IN GRAYSON COUNTY, TEXAS. (GONZALEZ, L.)

AFFIRMED, CJ/JB

BIRDWELL/ACTING CHAIRMAN  
JOHNSON  
WYNNE/ABSENT & EXCUSED

UNCONTESTED AGENDA

Wednesday, July 25, 1990

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item 1. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 81 FOR APPROVAL OF A \$4,500,000 BOND ISSUE; For Commission consideration and action. Applicant seeks approval for the \$4,500,000 B.I. to reimburse the developer for construction costs of storm drainage facilities and outfalls, and water, wastewater and drainage facilities to serve several sections, & Water Plant #2 and expanded wastewater treatment plant.

APPROVED, CJ/JB

Item 2. GREATER TEXOMA UTILITY AUTHORITY OF COOKE AND GRAYSON COUNTIES; APPLICATION FOR APPROVAL TO ISSUE \$17,500,000 IN CONTRACT REVENUE BONDS. For Commission consideration and action. Applicant seeks approval to issue \$17,500,000 in contract revenue bonds to finance construction of a 10 mgd surface water treatment plant to serve the City of Sherman.

APPROVED, CJ/JB

Item 3. APPLICATION BY FIRST COLONY MUNICIPAL UTILITY DISTRICT NO. 3 OF FORT BEND COUNTY FOR APPROVAL OF THE ISSUANCE OF \$3,580,000 IN UNLIMITED TAX BONDS, 9.19% NET EFFECTIVE INTEREST RATE, SERIES 1990, SECOND ISSUE AND DIRECTING FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 13 TO ESCROW FUNDS. For Commission consideration and action. Applicant seeks approval of the issuance of \$3,580,000 in tax bonds to finance utilities and drainage facilities in district, and master district connection fees.

APPROVED, CJ/JB

Item 4. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 73 FOR APPROVAL OF THE USE OF SURPLUS FUNDS, \$3,250,000 BOND ISSUE APPROVED SEPTEMBER 2, 1980. For Commission consideration and action. Applicant requests approval of the use of \$286,500 of surplus funds to finance water, wastewater, and drainage facilities to serve two school sites.

APPROVED, CJ/JB

Item 5. APPLICATION BY FIRST COLONY MUNICIPAL UTILITY DISTRICT NO. 5 OF FORT BEND COUNTY AND ADOPTION OF ORDER DIRECTING FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 13 TO ESCROW FUNDS. For Commission consideration and action. Applicant request approval of \$1,700,000 Unlimited Tax Bonds, Second Issue, 9.213% Net Effective Interest Rate, Series 1990; Pursuant to V.T.C.A., Water Code Section 54.516.

APPROVED, CJ/JB

Item 6. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF G-HAW WATER SYSTEMS, INC. TO INCREASE RETAIL WATER RATES IN TARRANT, JOHNSON, AND ELLIS COUNTIES, TEXAS; DOCKET NO. 8348-R. Applicant provides retail water service to approximately 264 customers. Recommendation: Adoption of agreement of parties. (Sahs)

APPROVED, CJ/JB

Item 7. APPLICATION OF CLAYTON WATER SUPPLY CORPORATION for Water Certificate of Convenience and Necessity, No. 12354, in Panola County. (Application No. 8483-C, Holck)

APPROVED, CJ/JB

Item 8. APPLICATION OF FRED OR PATSY FRANKLIN DBA SUNSET ACRES WATER SERVICE for a Water Certificate of Convenience and Necessity, No. 12335, in Navarro County. (Application 8279-C, Holck)

APPROVED, CJ/JB

Item 9. APPLICATION OF JONAH WATER SUPPLY CORPORATION for an Amendment to Water Certificate of Convenience and Necessity No. 10970 in Williamson County. (Application No. 8309-C, Holck)

APPROVED, CJ/JB

Item 10. APPLICATION OF ONALASKA WATER SUPPLY CORPORATION for an Amendment to Water Certificate of Convenience and Necessity No. 10119 in Polk County. (Application No. 8446-C, Holck)

APPROVED, CJ/JB

Item 11. CONSIDERATION EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF TOLBERT S. WILKINSON AND WIFE, SUZANNE WILKINSON FOR AN AMENDMENT TO CERTIFICATE OF ADJUDICATION NO. 19-2121 IN BANDERA COUNTY, TEXAS, TO DIVERT A PRO RATA SHARE OF THE ORIGINAL CERTIFICATED WATER WHICH IS 69.47 ACRE-FEET OF WATER PER ANNUM FROM INDIAN CREEK, IN THE SAN ANTONIO RIVER BASIN, FOR IRRIGATION PURPOSES. Recommendation: Issuance of authorization. (O'Neal)

APPROVED, CJ/JB

Item 12. APPLICATION NO. 08-2335A BY THE CITY OF DENTON TO AMEND CERTIFICATE OF ADJUDICATION NO. 08-2335. For Commission consideration and action. Applicant seeks to amend Certificate No. 08-2335, which authorizes storage in Lake Ray Roberts, Trinity River Basin, in Denton, Cooke and Grayson Counties and use of water from the reservoir for municipal and domestic purposes, by authorizing additional use of the water diverted for municipal and domestic purposes for nonconsumptive hydroelectric purposes on a nonpriority basis. (JORDAN/tls)

APPROVED, CJ/JB

Item 13. APPLICATION NO. 5288 BY TOMMY LEE JONES AND WIFE, KIMBERLEA GAYLE JONES FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT. FOR COMMISSION ACTION. Applicants seek authorization to divert and use not to exceed 20 acre-feet of water per annum from Fleming Springs Branch, Colorado River Basin, to irrigate 30 acres of land in San Saba County, approximately

2.5 miles southeast of San Saba, Texas. (SMITH/JORDAN/lb)

APPROVED, CJ/JB

Item 14. APPLICATION NO. 23-809G BY SHARYLAND WATER SUPPLY CORPORATION TO COMBINE CERT. NOS. 23-226 AND 23-809, AND TO AMEND CERT. NO. 23-809. For Commission Action. Applicant seeks to combine water rights owned under Cert. No. 23-226 with Cert. No. 23-809 and to amend Cert. No. 23-809 to change the purpose of use, place of use and diversion point for 2500 acre-feet (1000 acres) of Class "B" irrigation rights to municipal purposes and to restate applicant's total rights, viz., 3917.6783 acre-feet of water per annum from the Rio Grande for municipal use within applicant's service area in Hidalgo County, Texas. (JORDAN/wph).

APPROVED, CJ/JB

Item 15. APPLICATION BY SAFETY-KLEEN CORPORATION for a permit (Proposed Permit No. HW-50257, EPA I.D. No. TXD-061290276) to authorize the continued operation of an existing commercial Class I hazardous industrial solid waste storage and processing facility. The facility is located on the northeast side of State Highway 62, on a 1.4-acre parcel of land which is approximately 1/2 mile northwest of the intersection of Interstate Highway 10 and Texas State Highway 62, in an unincorporated part of Orange County, Texas.

APPROVED, CJ/JB

Item 16. APPLICATION BY CHEMICAL WASTE MANAGEMENT, INC. for a minor amendment to Permit No. WDW-160 (EPA I.D. No. TXD-000838896) which currently authorizes operation of a waste disposal well to commercially dispose of hazardous wastes produced off-site. The minor amendment will add language to the permit to include the newly defined term of injection zone, as defined by the United States Environmental Protection Agency. The minor amendment will also add a limitation to the permit to prohibit the storage and processing of dioxin-containing wastes.

APPROVED W/STAFF RECOMMENDATIONS, CJ/JB

Item 17. APPLICATION BY RUSSELL CARPENTER for a permit (Proposed Permit No. 03185) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 750 milking cows. The dairy is one mile south of the intersection of Farm-to-Market Road 219 and an unnamed road and one mile east of the intersection of County Road 2303 and Farm-to-Market Road 219 in Erath County, Texas.

APPROVED, CJ/JB

Item 18. APPLICATION BY JOE CROUCH for a permit (Proposed Permit No. 03228) to authorize disposal of waste and wastewater from a dairy which will consist of 800 head in confinement. The dairy is south of Farm-to-Market Road 934 at a point 1.24 miles east of Interstate Highway 35W and 2 miles east of the City of Itasca, Hill County, Texas.

APPROVED, CJ/JB

Item 19. APPLICATION BY DON DEVRIES DBA DEVRIES STEPHENVILLE DAIRY for

a permit (Proposed Permit No. 03164) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 875 head in confinement. The dairy is on an unnamed county road, approximately one mile northwest of the intersection of Farm-to-Market Road 2303 and State Highway 219, and approximately 9 miles northwest of Stephenville in Erath County, Texas.

APPROVED, CJ/JB

Item 20. APPLICATION BY LUTHER EDWARDS for a permit (Proposed Permit No. 03304) to authorize disposal of waste and wastewater from a swine operation which consists of 800 hogs in confinement. The swine operation is approximately 5 miles east of the City of Yoakum, approximately 7 miles northwest of the intersection of U.S. Highway 77 and State Highway 111 in Lavaca County, Texas.

APPROVED, CJ/JB

Item 21. APPLICATION BY PENN-CAL DAIRY for a permit (Proposed Permit NO. 03199) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 990 head in confinement. The dairy is on an unnamed road, approximately 10 miles southeast of Stephenville, at a point 3.4 miles east of U.S. Highway 281 and 2.7 miles south of U.S. Highway 67 in Erath County, Texas.

APPROVED, CJ/JB

Item 22. APPLICATION BY GARY VISS for a permit (Proposed Permit No. 03186) to authorize disposal of waste and wastewater from a dairy which consists of 1400 head in confinement. The dairy is on State Highway 208, approximately 2.1 miles south of the intersection of State Highway 208 and Farm-to-Market Road 2105 in Tom Green County, Texas.

APPROVED, CJ/JB

Item 23. APPLICATION BY HENRY P. KNOLLE FARMS for a permit (Proposed Permit No. 03172) to authorize disposal of waste and wastewater from a dairy which contains 900 head in confinement. The dairy is approximately 3.5 miles southeast of the intersection of State Highway 359 and County Road 360 in Jim Wells County, Texas.

APPROVED, CJ/JB

Item 24. APPLICATION BY CITY OF RICHMOND for a minor amendment to Permit No. 10258-01 in order to change the location for chlorine addition within the main treatment unit and to change the sampling point for chlorine residual to accommodate the installation of the dechlorination equipment. The plant site is at the southeast corner of the intersection of Ferry Street and North Second Street in the City of Richmond in Fort Bend County, Texas.

APPROVED, CJ/JB

Item 25. APPLICATION BY HOUSTON LIGHTING & POWER COMPANY for renewal of Permit No. 01050 which authorizes a discharge of condenser cooling water and previously monitored effluents at a volume not to exceed an average flow of 1,728,000,000 gallons per day from the P.H. Robinson Steam Electric Station. The plant site

is 1/2 mile east of State Highway 146 and approximately 1 mile southeast of the Town of Bacliff, Galveston County, Texas.

SUBMITTED IN ERROR/NO COMMISSION ACTION

Item 26. APPLICATION BY SAN ANTONIO RIVER AUTHORITY for renewal of Permit No. 10749-03 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 2,210,000 gallons per day from the Upper Martinez Creek Wastewater Treatment Facilities. The plant site is approximately 400 feet north of Benz-Engleman Road, approximately 1 mile west of Farm-to-Market Road 1516, and approximately 1 mile north of Interstate Highway 10 in Bexar County, Texas.

RENEWED, CJ/JB

Item 27. APPLICATION BY TERRY TAYLOR for renewal of Permit No. 12997-01 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 Seven Acres Sewage Treatment Plant. The plant site is approximately 1.5 miles north of the City of Jewett, 1700 feet south of the confluence of the West Fork of Panther Creek and Panther Creek, in Leon County, Texas.

RENEWED, CJ/JB

Item 28. APPLICATION BY TEXAS AGRICULTURAL EXPERIMENT STATION for renewal of Permit No. 02755 which authorizes disposal of industrial wastewater effluent by evaporation. The plant site is at 7887 North Highway 87 in the City of San Angelo, Tom Green County, Texas.

RENEWED, CJ/JB

Item 29. APPLICATION BY WILLOW RUN PUBLIC SERVICE, INC. for renewal of Permit No. 10699-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 750,000 gallons per day. The wastewater treatment facilities are approximately 1-1/8 miles west-southwest of the intersection of IH 45 and Farm-to-Market Road 149; approximately 1400 feet southwest of the intersection of Stuebner-Airline Road and Farm-to-Market Road 149 in Harris County, Texas.

RENEWED, CJ/JB

Item 30. CONSIDERATION OF THE REQUEST FOR AUTHORIZATION FOR THE EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACT FOR WASTE MINIMIZATION DATA ANALYSIS. (CULBERTSON, L.)

APPROVED, CJ/JB

Item 31. CONSIDERATION OF AUTHORIZING THE EXECUTIVE DIRECTOR TO AMEND THE ENGINEERING CONTRACT WITH INTERNATIONAL TECHNOLOGY CORPORATION FOR CONSTRUCTION MANAGEMENT SERVICES AT THE GENEVA SUPERFUND SITE.

APPROVED, CJ/JB

Item 32. CONSIDERATION OF A MOTION FOR REHEARING ON AN ORDER SETTING INTERIM RATES FOR ALEXA ENTERPRISES, INC., DBA ENGLE UTILITY COMPANY DOCKET NO. 8479-R. (This matter was considered on



June 6, 1990.)

CONTINUED TO AUGUST 8, 1990 @ 3:00 P.M.

Item 33. CONSIDERATION OF A MOTION FOR REHEARING ON A WATER USE PERMIT APPLICATION BY TEXAS COPPER; PERMIT NO. 5286. (This matter was considered on June 7, 1990.)

APPROVED A MOTION TO NOT FORMALLY ACT UPON THIS ITEM, CJ/JB

Item 34. CONSIDERATION OF A MOTION FOR REHEARING ON THE DECISION AND ORDER CONCERNING THE PETITIONS OF LONGVIEW & KILGORE TO SET WHOLESALE WATER RATES IN GREGG AND RUSK COUNTIES, TEXAS; DOCKET NOS. 7796-M AND 7831-M. (This matter was considered on June 13, 1990.)

DENIED M.F.R., CJ/JB

SUPPLEMENTAL UNCONTESTED AGENDA

Wednesday, July 25, 1990

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item 35. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S MOTION FOR AMENDED ENFORCEMENT ORDER FOR KNOX OIL OF TEXAS, INC., NO PERMIT. (Smith, S.)

APPROVED, CJ/JB

Item 36. CONSIDERATION OF THE REQUEST OF BRADLEY D. BOUMA, D/B/A B & B DAIRY FOR AUTHORIZATION TO COMMENCE CONSTRUCTION OF A WASTEWATER CONTAINMENT POND, PROPOSED PERMIT NO. 03196. (McCalla)

APPROVED, CJ/JB

UNCONTESTED OLD BUSINESS

Wednesday, July 25, 1990

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item carried forward from Agenda of June 27, 1990.

- Item 1. COMMISSION APPROVAL OF 1992-93 LEGISLATIVE BUDGET REQUEST.  
Allen Beinke

CONTINUED TO JULY 30, 1990 @ 3:30 P.M. IN ROOM 123.

Item carried forward from Agenda of May 2, 1990 and June 27, 1990.

- Item 2. APPLICATION BY CHARTERWOOD MUNICIPAL UTILITY DISTRICT for renewal of Permit No. 11410-02 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 1,000,000 gallons per day. The wastewater treatment facilities are approximately 3.5 miles northwest of the intersection of Farm-to-Market Road 149 (West Montgomery Road) and Farm-to-Market Road 1960, on the south bank of Pillot Gully, at 15820 Quill Drive in the City of Houston, Harris County, Texas. The effluent is discharged into Pillot Gully; thence to Cypress Creek in Segment No. 1009 of the San Jacinto River Basin. 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 the final flow has been decreased to an average of 600,000 gallons per day. It is proposed that the expiration date of the renewed permit be specified as midnight, five years after date of Commission approval.

RENEWED, CJ/JB

Item carried forward from Agenda of July 11, 1990 and July 18, 1990.

- Item 3. CONSIDERATION OF THE APPOINTMENT OF A TECHNICAL ADVISORY COMMITTEE TO REVIEW AND MAKE RECOMMENDATIONS FOR LEGISLATIVE CHANGES OR OTHER PROCEDURAL CHANGES TO ALLOW THE COMMISSION TO ADDRESS PROBLEMS ENCOUNTERED IN REGULATING RETAIL PUBLIC UTILITIES UNDER CHAPTER 13 OF THE WATER CODE. (ROBBINS)

CONTINUED TO AUGUST 8, 1990 @ 3:00 P.M.

DOCKET

Wednesday, July 25, 1990

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item 1. COMMISSION CONSIDERATION WHETHER TO AFFIRM, MODIFY OR SET ASIDE EMERGENCY ORDER NO. 90-20E ISSUED ON JUNE 27, 1990 TO BANDERA DOWNS, INC. FOR A 30-DAY AVERAGE DISCHARGE OF TREATED DOMESTIC SEWAGE EFFLUENT INTO A HOLDING POND WHICH IS DISPOSED OF BY EVAPORATION AND WATERING OF THE RACE TRACK LOCATED IN THE MEDINA RIVER BASIN. (MARTINEZ)

AFFIRMED, CJ/JB

Item 2. COMMISSION CONSIDERATION WHETHER TO AFFIRM, MODIFY OR SET ASIDE EMERGENCY ORDER NO. 90-21E ISSUED ON JUNE 28, 1990 TO TINSE CHEMICAL COMPANY, INC. 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)

AFFIRMED W/CHANGES, CJ/JB