

WYNNE  
JOHNSON  
BIRDWELL-ABSENT & EXCUSED

CONTESTED AGENDA

Wednesday, November 14, 1990

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item 1. CONSIDERATION OF THE NOTICE OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF EXXON CHEMICAL COMPANY, NO REGISTRATION. (Warneke)

CONTINUED TO JANUARY 9, 1991 AT 9:00 A.M.

Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF TAYLOR PETROLEUM, INC., TWC FACILITY ID. NO. 05338. (Alvarado)

CONTINUED TO NOVEMBER 28, 1990 AT 9:00 A.M.

Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S MOTION FOR REFERRAL OF ALEXA ENTERPRISES, INC., DBA ENGEL UTILITY COMPANY AND FRED S. ENGEL TO THE OFFICE OF THE ATTORNEY GENERAL OF TEXAS. (Corrigan)

APPROVED, CJ/BJW

Item 4. CONSIDERATION OF ELEMENTS OF SUPERVISION OF CERTAIN DISTRICTS AND AUTHORITIES. (Robbins)

CONTINUED TO NOVEMBER 28, 1990 AT 9:00 A.M.

Item 5. CONSIDERATION OF THE MOTION OF THE CITY OF LONGVIEW FOR ENFORCEMENT OF THE COMMISSION'S FINAL ORDER AND CONSIDERATION OF THE PETITION OF THE CITY OF KILGORE FOR DECLARATORY RELIEF IN REGARDS TO DOCKET NOS. 7796-M AND 7831-M. (Vay)

CONTINUED TO DECEMBER 12, 1990 AT 9:00 A.M.

Item 6. 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, November 14, 1990

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item carried forward from Agenda of March 21, 1990, June 6, 1990 and August 15, 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)

SUBMITTED IN ERROR

Item carried forward from Agenda of June 6, 1990 and August 15, 1990.

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF LONE STAR STEEL COMPANY. WQ PERMIT NO. 00348, AND SWR 30093 (WATER QUALITY AND HAZARDOUS WASTE VIOLATIONS) (McFaddin)

CONTINUED TO JANUARY 30, 1991 AT 9:00 A.M.

Item carried forward from Agenda of October 10, 1990.

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF RIO LECHE DAIRY, CONCERNING VIOLATIONS OF THE TEXAS WATER CODE; NO PERMIT. (Kirick)

APPROVED AGREED ORDER AS PROPOSED, CJ/BJW

Item carried forward from Agenda of August 15, and October 17, 1990.

- Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF TEXAS TANK CAR WORKS. (Hall)

APPROVED AGREED ORDER, CJ/BJW

Item carried forward from Agenda of September 26th, October 3, and October 24, 1990.

- Item 5. CONSIDERATION OF REQUEST FOR RELIEF OF STIPULATED PENALTIES ASSESSED BY COMMISSION ORDER SIGNED NOVEMBER 17, 1988, BY THE CITY OF HIDALGO. THE CITY OF HIDALGO HAS MADE A WRITTEN REQUEST FOR HEARING TO DISCUSS DISMISSAL OF THE STIPULATED PENALTIES, OR ALTERNATIVELY, TO ESTABLISH A PAYMENT SCHEDULE. PERMIT NO. 11080-01 (KIRICK)

APPROVED, CJ/BJW

Item carried forward from Agenda of October 31, 1990.

- Item 6. APPLICATION BY LITTLE CYPRESS UTILITY DISTRICT FOR AN EXTENSION OF TIME TO COMMENCE AND COMPLETE CONSTRUCTION OF THE DAM AND RESERVOIR AUTHORIZED BY PERMIT NO. 5098 (A-5098). For Commission action. Applicant seeks an extension of time for commencement of construction of a dam and reservoir on Little Cypress Bayou, Cypress and Sabine River Basins, Harrison, Gregg and Rusk Counties, Texas from September 8, 1990 to September 8, 1992 and the completion date from September 8, 1993 to September 8, 1998. (JORDAN:rma)

REMANDED TO OFFICE OF HEARINGS EXAMINER FOR A EVIDENTIARY HEARING TO BE HELD ON DECEMBER 17, 1990 AT 10:00 A.M. IN ROOM 618 OF SFA BUILDING.

Item carried forward from Agenda of October 31, 1990.

- Item 7. CONSIDERATION OF THE NOTICE OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF LUBBOCK COTTON OIL COMPANY - DIVISION OF ARCHER-DANIEL-MIDLAND COMPANY. (Smith, J.)

APPROVED, CJ/BJW

Item carried forward from Agenda of October 31, 1990.

- Item 8. CONSIDERATION OF THE ADOPTION OF NEW 31 TEXAS ADMINISTRATIVE CODE SECTIONS 293.141 - 293.152, CONCERNING THE ADOPTION BY WATER DISTRICTS OF STANDBY FEES AND THE REPEAL OF 31 TEXAS ADMINISTRATIVE CODE SECTION 293.87 AND THE RENUMBERING OF SECTION 293.88 TO SECTION 293.87. These new rules and the repeal of the existing rule are in response to the amendment of Section 50.056 and the repeal of Section 54.2041, Texas Water Code. (Petrov)

APPROVED, CJ/BJW

Item carried forward from Agenda of November 7, 1990.

- Item 9. CONSIDERATION OF NOTICE OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TEXAS WATER COMMISSION ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF OHMSTEDE MACHINE WORKS, INC. SWR NO. 31720 (HARRIS COUNTY) (SMITH, ROBIN)

CONTINUED TO NOVEMBER 28, 1990 AT 9:00 A.M.

Item carried forward from Agenda of November 7, 1990.

- Item 10. CONSIDERATION OF A REQUEST BY THE CITY OF EL CENIZO FOR THE TRANSFER OF WATER QUALITY PERMIT NO. 13149-01. The City has requested that its permit be transferred from Standard Realty Investor to the City. The wastewater treatment plant operating under Permit No. 13149-01 is the only wastewater facility currently available to serve the City of El Cenizo. (Kirick)

NO ACTION TAKEN

BJW  
CJ  
JB - absent & excused

UNCONTESTED AGENDA

Wednesday, November 14, 1990

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item 1. APPLICATION NO. 12-2880A BY ADELLE ALLISON FOR AN AMENDMENT TO CERTIFICATE OF ADJUDICATION NO. 12-2880. FOR COMMISSION ACTION. Applicant seeks to amend Certificate No. 12-2880 to increase the annual diversion from the Leon River, Brazos River Basin from 19 acre-feet to 135 acre-feet, to increase the acreage to be irrigated from 38 acres to 100 acres, and to increase the overall tract in which irrigation is authorized from 144 acres to 210.89 acres, approximately 12.5 miles southeast of Hamilton, Hamilton County, Texas. (JORDAN/jme)

APPROVED, CJ/BJW

Item 2. APPLICATION NO. 23-126B BY U.S. DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE TO AMEND CERTIFICATE NO. 23-126. For Commission Action. Applicant seeks to combine water rights owned under several different certificates under Cert. No. 23-126, as amended, and to amend Cert. 23-126 to expand the overall area in which irrigation is authorized and to restate their total authorizations under Cert. No. 126, as amended, viz. 720.865 acre-feet of Class "A" and 10,319.128 acre-feet of Class "B" irrigation water rights per annum from the Rio Grande to irrigate 4415.6072 acres in Starr, Hidalgo & Cameron Counties (JORDAN/wph).

APPROVED, CJ/BJW

Item 3. APPLICATION BY LYONDELL PETROCHEMICAL COMPANY for an amendment to Permit No. HW-50106 (EPA I.D. No. TXD-082688979) which authorizes a Class I hazardous industrial solid waste processing and disposal facility. The facility is located on a 700-acre tract of land on the north side of Highway 225, east of Light Company Road and west of Allen Genoa Road in Houston, Harris County, Texas.

APPROVED, CJ/BJW

Item 4. CONSIDERATION OF EXAMINER'S MEMORANDUM AND PERMIT CONCERNING THE APPLICATION OF HUCKABEE & SONS DAIRY, INC. FOR PERMIT NO. 03220 to authorize the disposal by irrigation agricultural/dewatered manure/dairy waste in Erath County, Texas, and Segment No. 1229 of the Brazos River Basin. Recommendation: Issuance of permit. (Parker)

APPROVED, CJ/BJW

Item 5. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF CITY OF SOMERVILLE FOR A RENEWAL OF PERMIT NO. 10371-01 to authorize the discharge of 300,000 gpd of treated

domestic wastewater effluent in Burleson County, Texas, and Segment No. 1211 of the Brazos River Basin. Recommendation: Issuance of permit. (Murphy)

APPROVED, CJ/BJW

Item 6. CONSIDERATION OF EXAMINER'S MEMORANDUM AND PERMIT CONCERNING THE APPLICATION OF NAGRON USA, INC. FOR PERMIT NO. 13526-01 to authorize the discharge of 350,000 gpd of treated domestic wastewater effluent in Harris County, Texas, and Segment No. 1002 of the San Jacinto River Basin. Recommendation: Issuance of permit. (Sahs)

APPROVED, CJ/BJW

Item 7. CONSIDERATION OF THE REQUEST BY AMERICAN AIRLINES, INC. FOR AUTHORIZATION TO COMMENCE CONSTRUCTION OF A STORMWATER RETENTION POND PRIOR TO ISSUANCE OF A STORMWATER DISCHARGE PERMIT. (J. SMITH)

APPROVED, CJ/BJW

Item 8. APPLICATION BY JOHN HAYS, JOHN'S WASH OUT for a permit (Proposed Permit No. 03215) to authorize disposal of wash water from a cattle truck trailer washing facility by irrigation on an adjacent tract of land. The site is approximately 0.5 mile northeast of the intersection of Interstate Highway 27 and U.S. Highway 87 (Business), Hale County, Texas.

APPROVED, CJ/BJW

Item 9. APPLICATION BY SILVERADO DANCE HALL, LTD. for a permit (Proposed Permit No. 13519-01) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 3,200 gallons per day. The plant site is to be approximately 0.7 mile east of the intersection of North Main and Interstate Highway 10 and approximately 750 feet south of Interstate Highway 10 in Harris County, Texas.

APPROVED, CJ/BJW

Item 10. APPLICATION BY CITY OF TERRELL for an amendment to Permit No. 10747-01 to authorize the disposal of sludge by land application. The plant site is approximately 1 mile south of the intersection of Interstate Highway 20 and State Highway 34, south of the City of Terrell, in Kaufman County, Texas.

APPROVED, CJ/BJW

Item 11. APPLICATION BY CITY OF BROWNWOOD for a minor amendment to Permit No. 10565-01 in order to add dechlorination language to the permit. The permit currently authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 3,600,000 gallons per day. The wastewater treatment facilities are north of Willis Creek at the southeast end of Hoover Avenue in the City of Brownwood in Brown County, Texas.

APPROVED, CJ/BJW

Item 12. APPLICATION BY CITY OF EMORY for a minor amendment to Permit No. 10082-01 in order to change the disinfection method. The plant site is on the west side of Willow Springs Road,

approximately 1/2 mile south of the intersection of U.S. Highway 69 and State Highway 19 in Rains County, Texas.

APPROVED, CJ/BJW

Item 13. APPLICATION BY HUNTER'S GLEN MUNICIPAL UTILITY DISTRICT for a minor amendment for Permit No. 11618-01 in order to add an interim phase that was inadvertently deleted during the previous renewal. The facilities are at 19926 Foxchester Lane, approximately 3/4 mile northwest of the intersection of Lee Road and Farm-to-Market Road 1960 in Harris County, Texas.

APPROVED, CJ/BJW

Item 14. APPLICATION BY LEVERETT'S CHAPEL INDEPENDENT SCHOOL DISTRICT for renewal of Permit No. 11113-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 6,000 gallons per day. The facilities are approximately 7500 feet north of the intersection of State Highways 135 and 42, and approximately 400 feet east of State Highway 42, northeast of the City of Overton in Rusk County, Texas.

APPROVED, CJ/BJW

Item 15. APPLICATION BY HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 114 FOR APPROVAL OF \$1,100,000 UNLIMITED TAX AND REVENUE BONDS; EIGHTH ISSUE; 8.167 % NET EFFECTIVE INTEREST RATE. For Commission consideration and action. Applicant seeks approval of \$1,100,000 bond issue to finance an additional water plant and associated distribution lines.

APPROVED, CJ/BJW

Item 16. APPLICATION BY HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 155 FOR APPROVAL OF THE ISSUANCE OF \$2,075,000 IN UNLIMITED TAX BONDS, 8.68% NET EFFECTIVE INTEREST RATE, SERIES 1990, SECOND ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$2,075,000 in tax bonds to finance remaining channel construction costs and a portion of the costs of a bridge structure over a District channel at U.S. Hwy. 290.

APPROVED, CJ/BJW

Item 17. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 322 FOR APPROVAL OF THE ISSUANCE OF \$2,390,000 IN UNLIMITED TAX BONDS, 8.66% NET EFFECTIVE INTEREST RATE, SERIES 1990, SECOND ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$2,390,000 in tax bonds to finance a pro rata share of the initial phase of an offsite detention pond and utilities to serve Inwood Park Sections 2 & 3, Chappell Ridge Sections 2 & 3, and Garden Grove Section 2.

APPROVED, CJ/BJW

Item 18. APPLICATION BY CRANE COUNTY WATER DISTRICT FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$3,450,000 BOND ISSUE APPROVED AUGUST 25, 1988. For Commission consideration and action. Applicant requests the use of \$427,763 in surplus funds to finance the construction of three additional wells, one replacement well, and associated transmission mains.

APPROVED, CJ/BJW

Item 19. APPLICATION BY MEMORIAL VILLAGES WATER AUTHORITY OF HARRIS COUNTY FOR APPROVAL OF THE USE OF \$419,772.49 IN SURPLUS FUNDS; \$6,000,000 BOND ISSUE APPROVED DECEMBER 1, 1985. For Commission consideration and action. Applicant seeks the use of \$419,772.49 in surplus funds to reimburse the operating fund for rehabilitation of the District's wastewater collection system, including smoke testing, point repairs and slip lining.

APPROVED, CJ/BJW

Item 20. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF CHISHOLM TRAIL WATER SUPPLY CORPORATION TO CONVERT TO A SPECIAL UTILITY DISTRICT AND TO TRANSFER CCN NO. 11590 TO THE DISTRICT IN WILLIAMSON, BURNET AND BELL COUNTIES, TEXAS; TWC IC NO. 041989-D01. Applicant provides retail water service to approximately 1,416 customers. Recommendation: Approval of rate increase. (Harris)

APPROVED WITH CHANGES TO ORDER, CJ/BJW

Item 21. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF RATEPAYERS FOR REVIEW OF RATES CHARGED BY TAMINA WATER SUPPLY CORPORATION IN MONTGOMERY COUNTY, TEXAS; DOCKET NO. 8542-W. Applicant provides retail water and sewer service to approximately 89 customers. Recommendation: Dismissal of petition. (Limes)

APPROVED, CJ/BJW

Item 22. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF WESTWISE RURAL W.S.C. AND THE CITY OF BRIDGEPORT FOR AN AMENDMENT TO CERTIFICATES OF CONVENIENCE AND NECESSITY NOS. 10284 AND 10283. To provide water service in Wise County, Texas; Docket Nos. 7950-C and 8829-C. Recommendation: Adoption of agreement of parties. (Murphy)

APPROVED, CJ/BJW

Item 23. APPLICATION OF CANYON OAKS PROPERTY OWNERS ASSOCIATION, INC. for a Water Certificate of Convenience and Necessity in Uvalde County (Application No. 8421-C)

APPROVED, CJ/BJW

Item 24. APPLICATION OF EAGLE BLUFF ASSOCIATION, INC. for a Water Certificate of Convenience and Necessity in Burnet County (Application No. 8351-C, Mayhew)

APPROVED, CJ/BJW

Item 25. APPLICATION OF G & W WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Grimes and Waller Counties (Application No. 8503-C, Schaubhut)

APPROVED, CJ/BJW

Item 26. APPLICATION OF HILL TOP ESTATES WATER AUTHORITY, INC. for a Water Certificate of Convenience and Necessity Number in Grayson County (Application No. 8564-C, Holck)

APPROVED, CJ/BJW



Item 27. APPLICATION OF GLENPOOL COMPANY, INC. DBA FAIRCO WATER COMPANY for a Rate/Tariff Change in Comal, Kendall, and Bexar Counties (Application No. 8399-R, Horst)

APPROVED, CJ/BJW

Item 28. APPLICATION OF THE CITY OF CONROE to Transfer Water and Sewer Certificate of Convenience and Necessity No.'s 11378 and 20589 from Woodgate Utilities, Inc. in Montgomery County (Application No. 8579-S, Horst)

APPROVED, CJ/BJW

Item 29. PETITION OF PLATEAU UTILITY COMPANY, INC. to Cancel Sewer Certificate of Convenience and Necessity No. 20624 in Travis County (Application No. 8760-Q, Holcomb)

APPROVED, CJ/BJW

Item 30. Consideration of authorizing the Executive Director to execute Contract Amendment No. 1 to the contract with The Earth Technology Corporation for the Remedial Investigation/Feasibility Study at the Aztec Mercury State Superfund site.

APPROVED, CJ/BJW

ADDENDUM TO UNCONTESTED AGENDA

Wednesday, November 14, 1990

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item 31. CONSIDERATION OF AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE CONTRACT AMENDMENT NO. 4 TO THE CONTRACT WITH ESPEY HUSTON & ASSOCIATES FOR POST-CLOSURE OPERATIONS AND MAINTENANCE AT THE HIGHLANDS ACID PIT SUPERFUND SITE.

APPROVED, CJ/BJW

Item 32. CONSIDERATION OF A MOTION FOR REHEARING OF AN APPLICATION BY TEXAS COPPER CORPORATION, PERMIT NO. 03120. (This matter was considered on October 3, 1990.)

CONTINUED TO NOVEMBER 28, 1990 AT 3:00 P.M. . APPROVED ORDER ISSUED BY CHAIRMAN AND CHANGED FILING DATE FROM NOVEMBER 23, 1990 TO NOVEMBER 21, 1990.

EMERGENCY ADDENDUM TO UNCONTESTED AGENDA

Wednesday, November 14, 1990

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item 33. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S MOTION REQUESTING AN EMERGENCY INTERCONNECT BETWEEN LIBERTY HILL WATER SUPPLY CORPORATION AND JENKS BRANCH WATER SUPPLY COMPANY. (Smith, D.)

(An emergency addition to the agenda is necessary to protect against an imminent threat to public health and safety.)

APPROVED, CJ/BJW.

UNCONTESTED OLD BUSINESS

Wednesday, November 14, 1990

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item carried forward from Agenda of November 7, 1990.

- Item 1. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 264 FOR APPROVAL OF A \$3,310,000 UNLIMITED TAX AND REVENUE BOND ISSUE, SECOND BOND ISSUE, 8.701% NET EFFECTIVE INTEREST RATE. For Commission consideration and action. Applicant requests Commission approval for a bond issue to finance the District's share of utility infrastructure, drainage channel improvements, off-site waterline interconnects, Nicholson Point waterline, and Water Plant No. 1.

APPROVED, CJ/BJW

Item carried forward from Agenda of November 7, 1990.

- Item 2. CONSIDERATION OF AUTHORIZATION TO ENTER INTO AN INTERAGENCY CONTRACT WITH THE GALVESTON BAY FOUNDATION TO COORDINATE A DAY-LONG FESTIVAL RECOGNIZING GALVESTON BAY. (Alvarado)

CONTINUED TO NOVEMBER 28, 1990 AT 3:00 P.M.