

WYNNE  
BIRDWELL  
JOHNSON

CONTESTED AGENDA

Wednesday, November 28, 1990

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S RESPONSE TO ARCHEM COMPANY'S REQUEST TO AMEND A TEXAS WATER COMMISSION ORDER ISSUED ON FEBRUARY 21, 1990, AND REQUEST TO REFER TO THE ATTORNEY GENERAL FOR COLLECTION OF PENALTY. Archem Company has requested an extension of time of 180 days to comply with the provisions in an Agreed Order. (Smith, R.)

CONTINUED TO DECEMBER 12, 1990 @ 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 DAL-TILE CORPORATION, SWR NO. 38369. (Dickman)

CONTINUED TO FEBRUARY 13, 1991 @ 9:00 A.M.

Item 3. CONSIDERATION OF EXAMINER'S PROPOSAL AND ORDER CONCERNING THE APPLICATION OF THE CITY OF TRINIDAD FOR A TEMPORARY ORDER TO AUTHORIZE THE DISPOSAL BY IRRIGATION OF A MAXIMUM 1,875 GPD (2.1 ACRE-FEET/ACRE/YEAR) OF TREATED DOMESTIC WASTEWATER EFFLUENT IN HENDERSON COUNTY, TEXAS. Recommendation: Issuance of staff Order with certain modifications. (Harris)

APPROVED DENIAL CONTINUED TO DECEMBER 12, 1990 @ 9:00 A.M. FOR NEW ORDER

Item 4. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF JAY D. AND DEBORAH MILLS FOR WATER USE PERMIT NO. 5295, ERATH COUNTY, TEXAS, TO DIVERT NOT TO EXCEED 100 ACRE-FEET OF WATER PER ANNUM FROM ONE DAM AND NOT TO EXCEED 100 ACRE-FEET FROM ANOTHER DAM, FROM CROCKETT CREEK FOR RESERVOIR NO. 1 AND RICHARDS CREEK FOR RESERVOIR NO. 2 IN BRAZOS RIVER BASIN, FOR IRRIGATION. RECOMMENDATION: DISMISSAL OF THE APPLICATION (ZUKAUCKAS).

DENIED RECOMMENDATION FOR DISMISSAL AND REMAND TO OFFICE OF HEARINGS EXAMINER FOR EVIDENTIARY HEARING

Item 5. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPEAL OF OAKRIDGE WATER COMPANY DBA PINE SPRINGS UTILITIES FROM RATEMAKING ACTIONS OF CITIES OF ONALASKA AND POINT BLANK WATER RATES IN POLK AND SAN JACINTO COUNTY, TEXAS; DOCKET NOS. 8386-A AND 8387-A. Recommendation: Dismiss cases. (Demerle)

APPROVED EXAMINER'S RECOMMENDATION FOR DISMISSAL, JB/CJ

Item 6. CONSIDERATION OF EXAMINER'S CERTIFIED MOTION TO THE COMMISSION REGARDING THE APPROPRIATENESS OF A LEGISLATIVE CONTINUANCE CONCERNING THE APPLICATION OF HUNTER INDUSTRIAL FACILITIES, INC. for Permits Nos. HW-50320 and WDW-286 through 298 to

authorize the operation of 10 hazardous waste injection wells, three brine injection wells, and a hazardous and nonhazardous waste storage and processing facility in Liberty County, Texas. Applicant seeks authorization to store, treat and dispose of Class I hazardous and nonhazardous materials at facilities located in Segment 0902 of the Trinity River-San Jacinto Coastal Basin. Recommendation: Denial of Legislature Continuance. (Sullivan)

APPROVED LEGISLATURE CONTINUANCE AND GENERAL COUNSEL TO WRITE ORDER, CJ/JB

Item 7. 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 28, 1990

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item carried forward from Agenda of September 5, and October 10, 1990.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF LOWENCO, INC., SWR NO. 38987. (Smith, R.)

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

Item carried forward from Agenda of September 5, and October 17, 1990.

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF STAR ENTERPRISE - TEXACO PORT ARTHUR REFINERY. (Renbarger)

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

Item carried forward from Agenda of March 21, 1990 and April 4, May 2, June 6, July 11, August 15, September 12, and October 17 1990.

- Item 3. CONSIDERATION OF ALTERNATIVE ACTIONS WHICH THE COMMISSION COULD TAKE CONCERNING LAKE GRAPEVINE. WHEN THE COMMISSION DISMISSED THE COMPLAINT FILED BY PARK CITIES MUNICIPAL UTILITY DISTRICT AGAINST THE CITIES OF DALLAS AND GRAPEVINE ON OCTOBER 26, 1989, THE COMMISSION DIRECTED THE EXECUTIVE DIRECTOR TO PREPARE A LIST OF ALTERNATIVES THE COMMISSION COULD TAKE TO ADDRESS PROBLEMS WHICH WILL ARISE DURING A TIME OF DROUGHT IN THIS OVER APPROPRIATED RESERVOIR. (Smith, R.)

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

Item carried forward from Agenda of October 17, 1990.

- Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF EASTERN LIVESTOCK COMPANY OF MINEOLA. (Corrigan)

CONTINUED TO DECEMBER 12, 1990 @ 3:00 P.M.

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

- Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF FAUST PROPERTIES, INC., PERMIT NO. 12342-01. (Corrigan)

CONTINUED TO FEBRUARY 27, 1991 @ 9:00 A.M.

Item carried forward from Agenda of October 26, 1989, January 24, April 11, June 6, July 25, September 26th, October 3, and October 31, 1990.

- Item 6. 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 AND REQUIRING CERTAIN ACTIONS OF CONTINENTAL PRODUCTS OF TEXAS, SWR NO. 30251. (Dickman)

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

Item carried forward from Agenda of October 17, and October 31, 1990.

- Item 7. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE APPLICATION OF TEXAS ECOLOGISTS, INC. FOR PERMITS NOS. WDW-278 AND WDW-279 TO AUTHORIZE THE OPERATION OF HAZARDOUS WASTE INJECTION WELLS IN NUECES COUNTY, TEXAS. Recommendation: Issuance of permit. (Demerle)

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

Item carried forward from Agenda of October 31, 1990.

- Item 8. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF EUROPE DAIRY IN HOPKINS, COUNTY. (Ligarde)

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

Item carried forward from Agenda of November 7, 1990.

- Item 9. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TEXAS WATER COMMISSION ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF STABILIZING TECHNOLOGY OF TEXAS, INC. (SWR NO. 39883) ALVARADO

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

Item carried forward from Agenda of November 7, and November 14, 1990.

- Item 10. 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 DECEMBER 12, 1990 @ 3:00 P.M.

Item carried forward from Agenda of November 14, 1990.

Item 11. 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)

APPROVED, CJ/JB

Item carried forward from Agenda of November 14, 1990.

Item 12. CONSIDERATION OF ELEMENTS OF SUPERVISION OF CERTAIN DISTRICTS AND AUTHORITIES. (Robbins)

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

DOCKET

Wednesday, November 28, 1990

TEXAS WATER COMMISSION

2:00 p.m.  
Room 118

Item 1. COMMISSION CONSIDERATION WHETHER TO AFFIRM, MODIFY OR SET ASIDE EMERGENCY ORDER NO. 90-41E ISSUED ON OCTOBER 29, 1990 TO ROLLINS ENVIRONMENTAL SERVICES (TX), INC., FOR REISSUANCE OF EMERGENCY ORDER NO. 90-26E. (Celestino)

CONTINUED TO DECEMBER 12, 1990 AT 2:00 P.M.

WYNNE  
BIRDWELL  
JOHNSON

UNCONTESTED AGENDA

Wednesday, November 28, 1990

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item 1. APPLICATION NO. 5310 BY COUNTRY DAY LAKE ASSOCIATION FOR A TWC SECTION 11.121 WATER USE PERMIT. For Commission consideration and action. Applicant seeks authorization to maintain an existing excavated 38.4 acre-feet capacity, off-channel reservoir and to divert 28.1 acre-feet of water per annum into the reservoir from the Clear Fork of the Trinity River, Trinity River Basin for in-place recreational purposes and to provide habitat for fish and wildlife in Tarrant County, approximately 7 miles SW of Ft. Worth, Texas. (JORDAN/lb)

REMANDED TO OFFICE OF HEARINGS EXAMINER FOR A EVIDENTIARY HEARING TO BE HELD ON JANUARY 17, 1991 AT 11:15 A.M. IN ROOM 618 IN SFA BLDG.

Item 2. APPLICATION BY JAMES T.DENTON, JR. FOR A SECTION 11.121 WATER USE PERMIT For Commission consideration and action. Applicant seeks a permit to authorize the diversion and use of not to exceed 100 acre-feet of water per annum from the San Antonio River, San Antonio River Basin, for the irrigation of 100 acres of land in Goliad County. (JORDAN/tls)

APPROVED, JB/CJ

Item 3. APPLICATION BY PALO DURO CREEK PARTNERS FOR A SECTION 11.121 WATER USE PERMIT. For Commission consideration and action. Applicant seeks a permit to authorize the maintenance of a dam creating a reservoir on Palo Duro Creek, Red River Basin, for in-place recreational use on applicant's golf course in Randall County and to divert not to exceed 200 acre-feet of state water per annum from the reservoir to irrigate 65 acres of the golf course. (JORDAN/tls)

REMANDED TO OFFICE OF HEARINGS EXAMINER FOR A EVIDENTIARY HEARING TO BE HELD ON JANUARY 15, 1991 AT 10:00 A.M. IN ROOM 118 IN SFA BLDG.

Item 4. APPLICATION NO. 5308 BY SAM JARZOMBK FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT. FOR COMMISSION ACTION. Applicant seeks authorization to divert 100 acre-feet of water per annum from Cibolo Creek,, San Antonio River Basin for irrigation of 50 acres of land in Karnes County, Texas. (JORDAN/lb)

APPROVED, JB/CJ

Item 5. APPLICATION NO. 5309 BY THE CITY OF PALESTINE FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT. For Commission Action. Applicant seeks authorization to maintain four existing dams and reservoirs on an unnamed tributary of Bassett Creek, Bassett Creek and Wolfe Creek, Trinity River Basin, with a combined impounding capacity of 936 acre-feet of

water and to use the impounded water for in-place recreational purposes, approximately 4 miles northwest of Palestine, Anderson County, Texas. (JORDAN/wph).

APPROVED, JB/CJ

Item 6. APPLICATION NO. 5307 BY THE TRAVELERS INSURANCE COMPANY FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT. For Commission Action. Applicant seeks authorization to divert and use not to exceed 300 acre-feet of water per annum from the San Antonio River, San Antonio River Basin, at a maximum rate of 3.3 cfs (1500 gpm) for the irrigation of 199.5 acres of land, approximately 2 miles southwest of Floresville, Wilson County, Texas. (JORDAN/wph).

APPROVED, JB/CJ

Item 7. APPLICATION NO. 19-1143B BY THE CITY OF BOERNE TO AMEND CERTIFICATE NO. 19-1143A. FOR COMMISSION ACTION. Applicant seeks to amend Cert. No. 19-1143A by converting 105 acre-feet of water currently authorized for domestic use to municipal use, leaving 5 acre-feet of water authorized for domestic use, diversion of said water being from the applicant's 4046 acre-foot reservoir currently authorized by the certificate, located approximately 3.5 miles northeast of Boerne, Kendall County, Texas. (JORDAN/jme)

APPROVED, JB/CJ

Item 8. APPLICATION NO. 4050A BY SHADY OAKS COUNTRY CLUB, INC. For Commission consideration and action. Applicant seeks to amend Permit No. 3782, which includes authorization to maintain four dams and reservoirs on Kings Branch, Trinity River Basin until December 31, 1990 for recreational purposes and to divert and use not to exceed 375 acre-feet of water per annum from Reservoir No. 4 to irrigate 125 acres of land in Tarrant County, by deleting or extending the term included in the permit. (JORDAN:rma)

APPROVED, JB/CJ

Item 9. APPLICATION NO 14-1272A BY A.D.STREBECK AND IRIS STREBECK TO AMEND CERTIFICATE OF ADJUDICATION NO. 14-1272, AS AMENDED. For Commission consideration and action. Applicants seek to amend Certificate No. 14-1272, as amended, which includes authorization for the applicants and two other owners to divert water from a specific point on a reservoir on Dove Creek, Colorado River Basin, to irrigate land in Tom Green County, by establishing a separate diversion point on the reservoir for use by the applicants. (JORDAN;tls)

APPROVED, JB/CJ

Item 10. APPLICATION NO. 12-3551A BY BOBBY W. STRAUB TO AMEND CERTIFICATE OF ADJUDICATION NO. 12-3551. For Commission consideration and action. Applicant seeks to amend Certificate No. 12-3551, which includes authorization, until December 31, 1990, to divert and use not to exceed 30 acre-feet of water per annum from a reservoir on an unnamed tributary of the Sabana River, Brazos River Basin, to irrigate 45 acres of land in Comanche County, by deleting or extending the term included in the certificate. (Jordan:tls)

APPROVED, JB/CJ

Item 11. CONSIDERATION OF COMPLAINT OF EXECUTIVE DIRECTOR AGAINST ROEL A. MOLINA FOR VIOLATIONS OF CHAPTER 11 OF THE TEXAS WATER CODE AND THE RIO GRANDE WATERMASTER RULES IN 31 TEX. ADMIN. CODE CHAPTER 303. (SMITH, R.)

APPROVED AGREED ORDER, CJ/JB

Item 12. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S MOTION TO AMEND THE ENFORCEMENT ORDER FOR THE CITY OF RED OAK, PERMIT NO. 11119-01. (Smith,

CONTINUED TO JANUARY 9, 1991 AT 3:00 P.M.

Item 13. APPLICATION BY AIR PRODUCTS AND CHEMICALS for a permit (Proposed Permit No. 03219) to authorize flow variable discharges of stormwater and truck wash water. The plant site is at 110 Howard Avenue in the City of Deer Park, Harris County, Texas.

APPROVED, JB/CJ

Item 14. APPLICATION BY BLUEBONNET SAVINGS BANK FSB for a permit (Proposed Permit No. 13522-01) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 50,000 gallons per day. The plant site is approximately 1500 feet southwest of the intersection of Maple Springs Road and Interstate Highway 20 in Harrison County, Texas.

APPROVED AS PROPOSED, JB/CJ

Item 15. APPLICATION BY NICKIE AND J.T. HICKS for a permit (Proposed Permit No. 03263) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 400 milking head in confinement. The dairy is on the north side of Farm-to-Market Road 219, at a point two miles west of the intersection of Farm-to-Market Road 219 and Farm-to-Market Road 2303 in Erath County, Texas.

APPROVED, JB/CJ

Item 16. APPLICATION BY PIPER PIPE RENTALS & SALES, INC for a permit (Proposed Permit No. 03134) to authorize a discharge of equipment washwater and work area washdown at a volume not to exceed an average flow of 20,000 gallons per day plus yard drain stormwater. The plant site is at 16805 Highway 35, south of the City of Pearland, Brazoria County, Texas.

APPROVED, JB/CJ

Item 17. APPLICATION BY BP CHEMICALS, INC. for an amendment to Permit No. 02181 in order to add Outfall 002 which authorizes a discharge of uncontaminated stormwater runoff. The plant site is approximately 18 miles south of the City of Victoria, on the southwest side of State Highway 185 and just north of Green Lake in Calhoun County, Texas.

APPROVED, JB/CJ

Item 18. APPLICATION BY CITY OF CONROE for an amendment to Permit No. 10008-02 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 6,000,000 gallons per day to a volume not to exceed an average flow of 10,000,000 gallons per day. The

plant site is immediately north of the confluence of Lake Creek with the San Jacinto River, at the end of Old Magnolia Road, approximately 2-1/2 miles west of Interstate Highway 45 and approximately 2-1/2 miles south of Farm- to-Market Road 2854 in Montgomery County, Texas.

APPROVED, JB/CJ

Item 19. APPLICATION BY CITY OF MABANK for an amendment to Permit No. 10579-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 200,000 gallons per day to a volume not to exceed an average flow of 400,000 gallons per day. The wastewater treatment facilities are approximately 6,000 feet west of the intersection of U.S. Highway 175 and State Highway 198 in Kaufman County, Texas.

APPROVED, JB/CJ

Item 20. APPLICATION BY PENNZOIL PRODUCTS COMPANY DBA PENRECO for an amendment to Permit No. 00377 in order to add Outfall 003 to regulate the stormwater runoff from an expanded area of the plant. The plant site is approximately 700 feet southeast of the intersection of Farm to Market (F.M.) Road 517 and Nichols Street in the City of Dickinson in Galveston County, Texas.

APPROVED AS PROPOSED, JB/CJ

Item 21. APPLICATION BY CITY OF VEGA for an amendment to Permit No. 10308-01 to authorize an increase in the volume of treated domestic wastewater effluent disposed of by irrigation on 41 acres of farmland. The plant site and irrigation site are approximately 2.25 miles northeast of the intersection of Interstate Highway 40 and U.S. Highway 385 in Oldham County, Texas.

APPROVED, JB/CJ

Item 22. APPLICATION BY AMOCO CHEMICAL COMPANY for renewal of Permit No. 00451 which authorizes a flow variable discharge of emergency overflow of combined process wastewater and rainfall runoff from industrial process areas via Outfall 001 and a flow variable discharge of low contamination potential nonprocess area rainfall runoff via Outfall 002. Plant A, an aromatic solvent manufacturing plant is on South Sixth Street, approximately seven blocks south of Texas Avenue in the City of Texas City, Galveston County, Texas.

RENEWED, JB/CJ

Item 23. APPLICATION BY CITY OF AUSTIN ELECTRIC UTILITY for renewal of Permit No. 01887 which authorizes a discharge of once through cooling water and previously monitored effluents at a volume not to exceed an average flow of 725,000,000 gallons per day plus infrequent discharges of metal cleaning wastes into Walter E. Long Lake at the Decker Steam Electric Station. The Decker Steam Electric Station is on the west shore of Lake Walter E. Long, approximately four miles east of the intersection of U.S. Highway 290 and U.S. Highway 183, Travis County, Texas.

RENEWED, JB/CJ

Item 24. APPLICATION BY BIG CHIEF ENVIRONMENTAL SERVICES, INC. for

renewal of Permit No. 02724 which authorizes a discharge of treated wastewater from a solid waste facility in phases with the final phase being a volume not to exceed an average flow of 100,000 gallons per day from a plant which recovers oil and grease from grease traps and wastes from septic tanks. The renewed permit will continue to be suspended until notification by the permittee. The plant site is at the intersection of Goodyear Drive and State Highway 225 in the City of Houston, Harris County, Texas.

RENEWED, JB/CJ

Item 25. APPLICATION BY CAMPBELL SOUP (TEXAS) INC. for renewal of Permit No. 01012 which authorizes a discharge of treated process wastewater and stormwater at a volume not to exceed an average flow of 10,000,000 gallons per day from its Paris facility which manufactures soups, pork and beans, spaghetti products and red vegetable juice. The plant site is at 500 North Loop 286, which is approximately 1/4 mile west of the intersection of U.S. Loop Highway 286 and U.S. Highway 271 and north of the City of Paris, Lamar County, Texas.

RENEWED, JB/CJ

Item 26. APPLICATION BY FERMENTA ASC CORPORATION, GREENS BAYOU for renewal of Permit No. 00749 which authorizes a flow variable discharge of treated wastewater effluent from the Greens Bayou Agricultural Chemical Plant. The plant site is at 2239 Haden Road adjacent to the City of Houston, Harris County, Texas.

RENEWED, JB/CJ

Item 27. APPLICATION BY CITY OF NAPLES for renewal of Permit No. 10230-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 130,000 gallons per day. The wastewater treatment facilities are approximately 0.5 mile southeast of the intersection of State Highway 77 and State Highway 338 in Morris County, Texas.

RENEWED, JB/CJ

Item 28. APPLICATION BY CITY OF ORCHARD for renewal of Permit No. 11545-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 40,000 gallons per day. The wastewater treatment facilities are approximately 2500 feet southwest of the City of Orchard and approximately 500 feet southeast of the intersection of State Highway 36 and Farm to Market Road 1489 in Fort Bend County, Texas.

RENEWED, JB/CJ

Item 29. APPLICATION BY PALMER PLANTATION MUNICIPAL UTILITY DISTRICT NUMBER 1 for renewal of Permit No. 12937- 01 which authorizes a discharge of treated domestic wastewater effluent in phase with the final phase being a volume not to exceed an average flow of 1,200,000 gallons per day from the Palmer Plantation Wastewater Treatment Plant Number 2. The plant site is approximately 6000 feet east-southeast of the intersection of State Highway 6 and Senior Road, 2.2 miles southeast of the intersection of State Highway 6 and Farm to Market Road 1092 (Stafford-De Walt Road), south of the City of Missouri City in Fort Bend County, Texas.

RENEWED, JB/CJ

Item 30. APPLICATION BY CITY OF SCHULENBURG for renewal of Permit No. 10115-02 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 250,000 gallons per day from the Babylon Wastewater Treatment Facilities. The plant site is approximately 500 feet west of the intersection of Babylon Lane and Williams Avenue in the City of Schulenburg, Fayette County, Texas.

RENEWED, JB/CJ

Item 31. APPLICATION BY TEXAS MEDICAL CENTER CENTRAL HEATING AND COOLING SERVICES COOPERATIVE ASSOCIATION for renewal of Permit No. 01286 which authorizes a discharge of demineralizer regeneration water, boiler blowdown, cooling tower blowdown and stormwater runoff at a volume not to exceed an average flow of 300,000 gallons per day from a facility which provides heating and cooling for the Texas Medical Center. The plant site is adjacent to and north of Brays Bayou, approximately 1000 feet south of Holcombe Boulevard on an extension of Bertner Avenue in the City of Houston, Harris County, Texas.

RENEWED, JB/CJ

Item 32. APPLICATION BY THE WOODLANDS CORPORATION for renewal of Permit No. 12970-01 which authorizes disposal of treated domestic wastewater effluent by irrigation on an 82-acre golf course and 59 acres of greenbelt. The wastewater treatment facilities and the irrigate sites are in the Point Venture II Development, at the southwest end of Lohman's Crossing Road, approximately 6 miles south-southwest of the intersection of Farm-to-Market Road 1431 and Lohman's Crossing Road in Travis County, Texas.

RENEWED, JB/CJ

Item 33. APPLICATION BY WORLD/HOUSTON, INC. for renewal of Permit No. 12026-01 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 1,000,000 gallons per day. The wastewater treatment facilities are at 5000 North Belt Road and approximately 1 mile west of U.S. Highway 59 in Harris County, Texas.

RENEWED, JB/CJ

Item 34. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF TRAVIS W. WORLEY DBA STILLMEADOW WATER SERVICE OF DISCONTINUATION OF SERVICE IN DALLAS COUNTY, TEXAS; DOCKET NO. 8285-Q. Recommendation: Adoption of agreement of parties. (Colbert)

APPROVED AGREED ORDER W/CHANGES, CJ/JB

Item 35. APPLICATION BY NOTTINGHAM COUNTRY MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE ISSUANCE OF \$1,760,000 IN UNLIMITED TAX BONDS, 9.17% NET EFFECTIVE INTEREST RATE, SERIES 1990, SECOND ISSUE, AND APPROVAL OF THE USE OF SURPLUS FUNDS FROM \$11,810,000 BOND ISSUE APPROVED May 13, 1983. For Commission consideration and action. Applicant requests approval of the issuance of \$1,760,000 in tax bonds to finance water, wastewater, and drainage facilities to serve Kelliwood Sections 3, 4, & 5, and Kelliwood Gardens Section 1, and the

use of \$200,000 in surplus funds to reduce the bond issue requirement.

CONTINUED TO DECEMBER 12, 1990 AT 3:00 P.M.

Item 36. APPLICATION BY CLEAR LAKE CITY WATER AUTHORITY OF HARRIS COUNTY FOR APPROVAL OF A \$6,400,000 BOND ISSUE, 19TH ISSUE, 7.75% AVERAGE INTEREST RATE, PURSUANT TO V.T.C.A., WATER CODE SECTION 51.421. For Commission consideration and action. Applicant seeks approval of a \$6,400,000 bond issue to finance utilities in Kirby Woods, Bay Oaks Sec.7, Clearpoint Sec. 1, Glen Falls Sec. 2, Bay Forest Sec. 5, Bay Knoll Sec. 8 and a 19 Ac. Tract; Middlebrook Drainage; N. Fork Culverts; Clear Lake Forest Lift Station; Reclaimed WW Dist. Sys.; WWTP expansion costs; N. Meter Sta. & Main Mods. of WP #1 & 3; cost overruns(Q1 Det.Pd.)

APPROVED, CJ/JB

Item 37. APPLICATION BY EL PASO COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT - WESTWAY FOR APPROVAL OF A BOND AMENDMENT; \$440,000 BOND ISSUE APPROVED June 8, 1989. For Commission consideration and action. Applicant seeks authorization to increase the originally approved bond amount of \$440,000 to \$475,000 due to increased construction costs for a wastewater treatment plant expansion.

APPROVED, CJ/JB

Item 38. APPLICATION BY ELKINS LAKE MUNICIPAL UTILITY DISTRICT OF WALKER COUNTY FOR APPROVAL OF THE LEVY OF A STANDBY FEE; For Commission consideration and action. Applicant seeks approval of the levy of an annual standby fee of \$100/lot for unimproved lots within Elkins Lake Sections 1-4, Golfview, Lakeview, Waters Edge, Waters Edge West, and West Lake Shores Sections 1-3 to supplement the operating account.

REMANDED TO OFFICE OF HEARINGS EXAMINER FOR A EVIDENTIARY HEARING.

Item 39. APPLICATION BY NORTHWEST FREEWAY MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY; For Commission consideration and action. Applicant seeks approval for the levy of an annual standby fee against unimproved lots in the District in the amount of \$29.59 to supplement the operation and maintenance account and \$145.32 to supplement the debt service account, and against undeveloped acreage in the District in the amount of \$75.08 to supplement the operation and maintenance account and \$368.69 to supplement the debt service account.

APPROVED, CJ/JB

Item 40. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 165 FOR APPROVAL OF STANDBY FEES; For Commission consideration and action. Applicant seeks approval for the levy of an annual standby fee against undeveloped single family lots in the amount of \$790 per equivalent connection in Lancaster Sections One and Two and Amhurst Section Two and \$206 per equivalent connection in Tealbrook Section One to supplement the debt service account.

APPROVED, CJ/JB

Item 41. APPLICATION BY FRY ROAD MUNICIPAL UTILITY DISTRICT FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS, THE USE OF SURPLUS

FUNDS, AND A CHANGE IN PLANS; \$2,525,000 BOND ISSUE APPROVED May 15, 1985. For Commission consideration and action. Applicant seeks the release of \$918,750 in escrowed funds and the use of \$46,471 in surplus funds to finance a wastewater treatment plant expansion to 0.533 mgd; and a change in plans to decrease the volume of the originally proposed expansion from 0.710 mgd to 0.533 mgd.

APPROVED, CJ/JB

Item 42. APPLICATION BY SOUTHERN MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT FOR THE RELEASE OF ESCROWED FUNDS; \$610,000 BOND ISSUE APPROVED May 4, 1987. For Commission consideration and action. Applicant requests approval of the release of \$339,550 in principal from escrow, plus interest accrued thereon until the closing of the escrow account, to finance a 30-inch wastewater trunkline.

APPROVED, CJ/JB

Item 43. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF DANVILLE WATER SUPPLY FOR A CEASE AND DESIST ORDER AGAINST THE CITY OF MCKINNEY RELATING TO THE PROVISION OF WATER SERVICE IN COLLIN COUNTY; DOCKET NO. 7265. Recommendation: adoption of agreement of parties. (Colbert)

SUBMITTED IN ERROR.

Item 44. CONSIDERATION OF THE PETITION OF THE EXECUTIVE DIRECTOR FOR ORDER NUNC PRO TUNC TO AMEND CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 11707 HELD BY TOWNSEND WATER COMPANY, DOCKET NO. 8305-C. (Petrov)

APPROVED, CJ/JB

Item 45. GERALDINE VIRGINIA FRANKLIN 1970 TRUST DBA J. E. FRANKLIN TRUST for a Water Certificate of Convenience and Necessity in Lubbock County (Application No. 8524-C, Carlson)

APPROVED, JB/CJ

Item 46. APPLICATION OF NOACK WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Williamson County (Application No. 8218-C, Holck)

APPROVED, JB/CJ

Item 47. APPLICATION OF PRICE WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity Number in Rusk County (Application No. 8553-C, Holck)

APPROVED, JB/CJ

Item 48. APPLICATION OF T. P. STEWART DBA STEWART WATER for a Water Certificate of Convenience and Necessity in Cass County (Application No. 8608-C, Holck)

APPROVED, JB/CJ

Item 49. APPLICATION OF TEXOMA ESTATES WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Grayson County (Application No. 8595-C, Holck)

APPROVED, JB/CJ

Item 50. APPLICATION OF TCW SUPPLY, INC. to Amend Water Certificate of Convenience and Necessity No. 11957 in Hutchinson County(Application No's. 8561-S and 8562-C, Carlson)

APPROVED, JB/CJ

Item 51. APPLICATION OF B C WATER, INC. to Amend Sewer Certificate of Convenience and Necessity No. 20616 in Jackson and Calhoun Counties(Application No. 8560-C, Horst)

APPROVED, JB/CJ

Item 52. APPLICATION OF BANDERA RIVER RANCH WATER COMPANY, INC. for a Rate/Tariff Change in Bandera County (Application No. 8382-G, Horst)

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

Item 53. CONSIDERATION OF AUTHORIZING THE EXECUTIVE DIRECTOR TO AMEND THE CONTRACT WITH EBASCO SERVICES, INC. FOR REMEDIAL DESIGN AT THE CRYSTAL CITY AIRPORT SUPERFUND SITE.

APPROVED, CJ/JB

Item 54. CONSIDERATION OF AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A CONSULTANT SERVICES CONTRACT FOR STRATEGY DEVELOPMENT FOR THE TEXAS WATER COMMISSION. (Mehta)

SUBMITTED IN ERROR

Item 55. Consideration of authorizing the Executive Director to execute contract amendment No. 4 to the contract with IT Corporation for the Remedial Design at the Odessa Chromium I Superfund Site. Highlands Acid Pit Superfund site.

APPROVED, CJ/JB

Item 56. Consideration of authorizing the Executive Director to execute Contract Amendment No. 4 to the contract with IT Corporation for the Remedial Design at the Odessa Chromium II Superfund Site. at the Aztec Mercury State Superfund site.

APPROVED, CJ/JB

Item 57. CONSIDERATION OF THE ADOPTION OF AMENDMENTS TO 31 TEXAS ADMINISTRATIVE CODE, SECTIONS 293.11, 293.13, AND 293.17 AND THE ADOPTION OF NEW 31 TEXAS ADMINISTRATIVE CODE, SECTION 293.18 AND THE REPEAL OF EXISTING 31 TEXAS ADMINISTRATIVE CODE SECTION 293.18. THESE AMENDMENTS CLARIFY THE APPLICATION REQUIREMENTS FOR THE CREATION OF WATER DISTRICTS AND FOR THE CONVERSION OF WATER SUPPLY OR SEWER SERVICE CORPORATIONS TO SPECIAL UTILITY DISTRICTS.

APPROVED, JB/CJ

Item 58. CONSIDERATION OF A MOTION FOR REHEARING ON AN APPLICATION BY TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1 AT DENTON AND TARRANT COUNTIES FOR APPROVAL OF A \$1,780,000 UNLIMITED TAX BOND ISSUE AND THE USE OF \$250,000 IN SURPLUS FUNDS. (This matter was considered on September 19, 1990.)

OVERRULED MFR, JB/CJ

ADDENDUM TO UNCONTESTED AGENDA

Wednesday, November 28, 1990

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item 59. APPLICATION OF HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 250 FOR THE APPROVAL OF STANDBY FEES FOR HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 250 AND CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER REGARDING THE APPLICATION OF HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 250 FOR THE APPROVAL OF STANDBY FEES. (Murphy)

APPROVED, CJ/JB

EMERGENCY ADDENDUM TO UNCONTESTED AGENDA

Wednesday, November 28, 1990

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item 60. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR AN EMERGENCY ORDER AUTHORIZING TECHNICAL ENVIRONMENTAL SYSTEMS, INC. TO REPACKAGE CERTAIN PESTICIDE WASTES. (Alvarado, M.)

(An emergency setting is necessary due to an imminent and substantial endangerment to human health, safety and to the environment.)

APPROVED, CJ/JB

UNCONTESTED OLD BUSINESS

Wednesday, November 28, 1990

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item carried forward from Agenda of November 7, and November 14, 1990.

- Item 1. CONSIDERATION OF AUTHORIZATION TO ENTER INTO AN INTERAGENCY CONTRACT WITH THE GALVESTON BAY FOUNDATION TO COORDINATE A DAY-LONG FESTIVAL RECOGNIZING GALVESTON BAY. (Alvarado)

APPROVED, JB/CJ

Item carried forward from Agenda of November 14, 1990.

- Item 2. CONSIDERATION OF A MOTION FOR REHEARING OF AN APPLICATION BY TEXAS COPPER CORPORATION, PERMIT NO. 03120. (This matter was considered on October 3, 1990.)

REMANDED TO OFFICE OF HEARINGS EXAMINER AND OVERRULED ALL MFR'S., JB/CJ

ADDENDUM TO UNCONTESTED OLD BUSINESS

Wednesday, November 28, 1990

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item carried forward from Agenda of October 17, October 31,  
and November 28, 1990 at 9:00 a.m. 1990.

- Item 3. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE APPLICATION OF TEXAS ECOLOGISTS, INC. FOR PERMITS NOS. WDW-278 AND WDW-279 TO AUTHORIZE THE OPERATION OF HAZARDOUS WASTE INJECTION WELLS IN NUECES COUNTY, TEXAS. Recommendation: Issuance of permit. (Demerle)

(This item is to be taken up as Item #1 at this 3:00 p.m. Agenda.)

APPROVED EXAMINER'S RECOMMENDATION W/CHANGES MADE BY GENERAL COUNSEL., CJ/BJ.