

WYNNE  
JOHNSON  
BIRDWELL-ABSENT & EXCUSED

UNCONTESTED AGENDA

Wednesday, December 12, 1990

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item 1. EMPLOYEE OF THE MONTH PRESENTATION. Beinke.

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

Item 2. APPLICATION NO. 5311 BY BRAE-BURN COUNTRY CLUB FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT. FOR COMMISSION ACTION. Applicant seeks authorization to utilize three existing off-channel reservoirs with a combined impoundment capacity of 13.20 acre-feet adjacent to Brays Bayou, San Jacinto River Basin for in-place recreational purposes and to act as storage reservoirs for and irrigation operation on the 132 acre golf course in Harris County. 200 acre-feet of water per annum will be diverted from the bayou for irrigation of the golf course. (JORDAN/lb)

APPROVED, CJ/BJW

Item 3. APPLICATION NO. 5314 BY C. D. (JOSH) HAM FOR A SECTION 11.121 WATER USE PERMIT. For Commission Action. Applicant seeks authorization to construct an off-channel reservoir complex with a total impounding capacity of 100 acre-feet of water and to divert 300 acre-feet of water per annum from the East Fork Angelina River into the reservoir complex and use the water for industrial (fish farming) purposes, approximately 21 miles south of Henderson, Rusk County, Texas. (JORDAN/wph).

APPROVED, CJ/BJW

Item 4. APPLICATION NO. 5317 BY JEFFERSON COUNTY NAVIGATION DISTRICT FOR A WATER USE PERMIT PURSUANT TO SECTION 11.121 OF THE TEXAS WATER CODE. For Commission action. Applicant seeks authorization to maintain and reconstruct an existing saltwater barrier, and navigation locks, and by adding four tainter gates on Taylor Bayou, tributary of the Intracoastal Canal, Neches-Trinity Coastal Basin, Jefferson County, Texas, and to impound therein, between elevation 0.00 feet mean sea level (msl) and +2.5 feet msl, 4505 acre-feet, approximately 16.5 miles southeast of Beaumont. (JORDAN:rma)

APPROVED, CJ/BJW

Item 5. APPLICATION NO. 3931A BY GEORGE CHASE & EVELYN WILIE MOODY TO AMEND PERMIT NO. 3636 (A-3931). FOR COMMISSION ACTION. Applicant seeks to amend the permit to extend the term of the permit which is set to expire December 31, 1990. Authorizations include maintenance of a 419 ac/ft capacity SCS Dam on Live Oak Creek, Brazos River Basin, Bosque County and diversion of a total of 219 ac/ft of water from the reservoir to irrigate a total of 260 acres of land. (JORDAN/lb)

APPROVED, CJ/BJW

Item 6. APPLICATION NO. 23-411A BY EDINBURG IMPROVEMENT ASSOCIATION TO COMBINE CERTIFICATE NOS. 23-505 & 23-411 UNDER CERTIFICATE NO. 23-411. FOR COMMISSION ACTION. Applicant seeks to combine the 712.50 acre-feet of Class "B" priority water right under Cert. No. 23-411 with the 70 acre-feet of Class "B" water right authorized under Cert. No. 23-505. The certificates have a common diversion point and no increase is sought in the maximum diversion rate. Water will still be used on the respective authorized tract of land in Hidalgo County. (JORDAN/lb)

APPROVED, CJ/BJW

Item 7. APPLICATION NO 23-538C BY MILTON H. WEST, JR., ET. AL. TO COMBINE WATER RIGHTS AND AMEND CERTIFICATE NO. 23-538, AS AMENDED. For Commission action. Applicants seek to combine water rights owned under Cert. Nos. 23-415 and 23-538 under Cert. No. 23-538 and to amend Cert. No. 23-538 to restate owners total authorizations under the certificate, viz., the diversion and use of not to exceed 2197.15 acre-feet of water per annum, with Class "B" priority, from the Rio Grande, Rio Grande Basin, to irrigate 878.86 acres of land approximately 9.5 miles northwest of Mission, Hidalgo County, Texas. (JORDAN/wph).

APPROVED, CJ/BJW

Item 8. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF SCHLUMBER WELL SERVICES FOR PERMIT NO. HW-50320 TO AUTHORIZE THE OPERATION OF A HAZARDOUS WASTE LAND TREATMENT FACILITY IN PECOS COUNTY, TEXAS. Applicant seeks authorization to store, treat, and dispose of Class I and Class II hazardous and non hazardous materials at facilities located in Segment 2311 of the Rio Grande River Basin. Recommendation: Issuance of permit. (Sullivan)

APPROVED AS PROPOSED, CJ/BJW

Item 9. APPLICATION BY ARCO CHEMICAL COMPANY for a permit (Proposed Permit No. HW-50275, EPA I.D. No. TXD-058265067-0) to authorize the continued operation of an existing Class I hazardous solid waste storage facility. The facility is located on two tracts containing 123.630 acres of land owned by ARCO Chemical Company at 10801 Choate Road, northwest of the intersection of Bay Area Boulevard and Choate Road in Harris County, Texas.

APPROVED, CJ/BJW

Item 10. APPLICATION BY INTERNATIONAL BUSINESS MACHINES CORPORATION for a permit (Proposed Permit No. HW-50130 to authorize continued operation of an existing Class I hazardous industrial solid waste storage and processing facility. IBM has also applied for a Compliance Plant (CP-50130) to authorize ground-water corrective action which will be concurrent with the operations authorized under Permit No. HW-50130. The facility is located within the IBM plant boundaries on a 415 acre tract of land in the northwest part of Austin at 11400 Burnet Road, Austin, Travis County, Texas.

APPROVED, CJ/BJW

Item 11. APPLICATION BY TREATMENT ONE for a minor amendment to Permit No. HW-50267 (EPA I.D. No. TXD-055135388) which currently authorizes a commercial hazardous waste storage and processing facility. The facility is located on eight city lots in a mixed commercial, residential, and industrial area at 5743 Cheswood, Houston, Harris County, Texas.

APPROVED, CJ/BJW

Item 12. APPLICATION BY CANNONADE RANCH, INC. for a permit (Proposed Permit No. 03276) to authorize disposal of waste and wastewater from a cattle operation which consists of 16,000 head. The cattle operation is approximately 6.1 miles east of the intersection of U.S. Highway 183 and U.S. Highway 90A and 2 miles south of U.S. Highway 90A on a county road marked by a sign on U.S. Highway 90A indicating Cannonade Ranch in Gonzales County, Texas.

APPROVED, CJ/BJW

Item 13. APPLICATION BY L.D. HANNA for a permit (Proposed Permit No. 03266) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 650 head in confinement. The dairy is on the north side of Farm-to-Market Road 917, approximately 3 miles east of the intersection of Farm-to-Market Road 917 and Farm-to-Market Road 171 in Johnson County, Texas.

APPROVED, CJ/BJW

Item 14. APPLICATION BY LA POYNOR INDEPENDENT SCHOOL DISTRICT for a permit (Proposed Permit No. 13538-01) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 12,000 gallons per day. The plant site is to be on the La Poynor I.S.D. campus, approximately 2 miles southeast of the intersection of U.S. Highway 175 and Farm-to-Market Road 2588 in Henderson County, Texas.

APPROVED, CJ/BJW

Item 15. APPLICATION BY LANAR INDUSTRIES, INC. for a permit (Proposed Permit No. 03139) to authorize disposal of industrial wastewater from a leather tanning operation by irrigation on approximately 180 acres of company owned land. The plant site is south of U.S. Highway 44, approximately 1200 feet east of its intersection with IH 35 near the Town of Encinal, La Salle County, Texas.

APPROVED, CJ/BJW

Item 16. APPLICATION BY NIJECT SERVICES COMPANY, NIJECT HAWKINS FACILITY for a permit (Proposed Permit No. 03247) to authorize a discharge of steam boiler blowdown, boiler water treatment blowdown and treated stormwater at a volume not to exceed an average flow of 40,000 gallons per day. The applicant proposes to operate an air separation plant which produces nitrogen and argon. The plant site is to be along the south side of Farm-to-Market Road 1795, approximately 3000 feet east of the intersection of Farm-to-Market Road 1795 and State Highway 14, Wood County, Texas.

APPROVED, CJ/BJW

Item 17. APPLICATION BY QUALITY PRODUCT FINISHING, INC. for a permit

(Proposed Permit No. 03223) to authorize a discharge of treated wastewater at a volume not to exceed an average flow of 1,200 gallons per day. The plant site is east of Fairbanks N. Houston Road and approximately 0.75 mile north of Taub Road, Harris County, Texas.

APPROVED, CJ/BJW

Item 18. APPLICATION BY TEXAS AIR NATIONAL GUARD, USAF for a permit (Proposed Permit No. 03273) to authorize flow variable discharges of treated stormwater runoff. The plant site is at the southern perimeter of Ellington Air Force Base, adjacent to and south of Horsepen Bayou in the City of Houston, Harris County, Texas.

APPROVED, CJ/BJW

Item 19. APPLICATION BY CITY OF JACKSONVILLE for an amendment to Permit No. 10693-03 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 1,750,000 gallons per day to a volume not to exceed an average flow of 2,900,000 gallons per day. The plant site is along State Highway 204, approximately 1.6 miles southeast of the intersection of State Highway 204 and Loop 456, in Cherokee County, Texas.

APPROVED, CJ/BJW

Item 20. APPLICATION BY CONSIDERATION OF a minor amendment to Permit No. 11820-01, issued to LAZY RIVER IMPROVEMENT DISTRICT, in order to rerate the existing facility. The plant site is approximately 7500 feet southeast of the intersection of Interstate Highway 45 and Farm to Market 1488, south of Conroe in Montgomery County, Texas.

APPROVED, CJ/BJW

Item 21. APPLICATION BY APPLE DEVELOPMENT AND REALTY, INC. for renewal of Permit No. 12978-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 20,000 gallons per day from the Sommersetshire Estates Wastewater Treatment Facilities. The plant site is on King Arthur Court in the northeast corner of Sommersetshire Estates, approximately 2000 feet southeast of the intersection of County Road 93 and Hughes Ranch Road in Brazoria County, Texas.

RENEWED, CJ/BJW

Item 22. APPLICATION BY CITY OF EUSTACE for renewal of Permit No. 11132-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 60,000 gallons per day. The wastewater treatment facilities are approximately 800 feet east of the intersection of Cornelius Lane and Smith Street, southeast of midtown Eustace in Henderson County, Texas.

RENEWED, CJ/BJW

Item 23. APPLICATION BY FIRST HEIGHTS BANK, FSB for renewal of Permit No. 12113-01 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 100,000 gallons per

day from the Beechwood Wastewater Treatment Plant. The plant site is at 7132 Green Tree Drive, approximately 3.5 miles north of the City of Angleton, approximately 0.5 mile west of State Highway 288 in Brazoria County, Texas.

RENEWED, CJ/BJW

Item 24. APPLICATION BY CITY OF GARLAND for renewal of Permit No. 10090-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 30,000,000 gallons per day from the Duck Creek Wastewater Treatment Plant. The plant site is at 750 Duck Creek Way; south of Lake Ray Hubbard Dam and north of Interstate Highway 20 in the Town of Sunnyvale in Kaufman County, Texas.

RENEWED, CJ/BJW

Item 25. APPLICATION BY HARDIN INDEPENDENT SCHOOL DISTRICT for renewal of Permit No. 13135-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 30,000 gallons per day from the Hardin Schools Wastewater Treatment Facilities. The plant site is on the Hardin ISD High School campus, approximately 900 feet east of the intersection of Pete Miller Road and Berry Road; approximately 1800 feet northeast of the intersection of State Highway 146 and Farm-to-Market Road 834 in Liberty County, Texas.

RENEWED, CJ/BJW

Item 26. APPLICATION BY INVITEX, INC. DBA BAYTOWN KOA for renewal of Permit No. 13033-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 20,000 gallons per day from the Baytown KOA Wastewater Treatment Facilities. The plant site is approximately 1.4 miles east of the intersection of State Highway 146 and Interstate Highway 10 in Chambers County, Texas.

RENEWED, CJ/BJW

Item 27. APPLICATION BY CITY OF PALACIOS for renewal of Permit No. 10593-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 800,000 gallons per day. The wastewater treatment facilities are approximately 1,800 feet west of the intersection of 12th Street and Mosier Drive in Matagorda County, Texas.

RENEWED, CJ/BJW

Item 28. APPLICATION BY WEST ROAD WATER SUPPLY CORPORATION for renewal of Permit No. 02761 which authorizes a discharge of restaurant wastewater and treated domestic wastewater effluent at a volume not to exceed an average flow of 13,000 gallons per day from the wastewater treatment plant that serves a fast food restaurant, two churches and a bookstore. The plant site is along the east side of interstate Highway 45, approximately 1/4 mile south of Aldine Road, Harris County, Texas.

RENEWED, CJ/BJW

Item 29. APPLICATION BY HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 FOR APPROVAL OF THE ISSUANCE OF \$1,665,000 IN

UNLIMITED TAX BONDS, 8.5% NET EFFECTIVE INTEREST RATE, SERIES 1990, EIGHTH ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$1,665,000 in unlimited tax bonds to finance construction of an upgrade of its wastewater treatment plant.

APPROVED, CJ/BJW

Item 30. APPLICATION BY LAKEWAY MUNICIPAL UTILITY DISTRICT OF TRAVIS COUNTY FOR APPROVAL OF \$830,000 UNLIMITED TAX BONDS, 7.75% AVERAGE INTEREST RATE, NINTH ISSUE, PURSUANT TO V.T.C.A., WATER CODE SECTION 54.516. For Commission consideration and action. Applicant seeks approval of the issuance of \$830,000 in bonds to finance the purchase of an approximately 85.290 acre tract to provide an irrigation field for the District's wastewater treatment plant effluent.

APPROVED, CJ/BJW

Item 31. APPLICATION BY MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 47 FOR APPROVAL OF \$4,250,000 WATERWORKS AND SEWER SYSTEM UNLIMITED TAX BONDS, SIXTH ISSUE, SERIES 1991, 8.172% NET EFFECTIVE INTEREST RATE, PURSUANT TO V.T.C.A., WATER CODE SECTION 54.516. For Commission consideration and action. Applicant seeks approval of the issuance of \$4,250,000 to finance the purchase of capacity rights in certain central water supply and wastewater treatment facilities, wastewater conveyance facilities, and storm water detention facilities; and to finance certain water, wastewater, and storm sewer improvements.

APPROVED, CJ/BJW

Item 32. APPLICATION BY VELASCO DRAINAGE DISTRICT FOR THE USE OF FUNDS; \$3,000,000 BOND ISSUE, SERIES 1983. For Commission consideration and action. Applicant requests approval of the use of \$104,500 in funds to finance the construction of a box culvert for drainage under an existing railroad.

APPROVED, CJ/BJW

Item 33. APPLICATION BY BRAES UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE LEVY OF A STANDBY FEE; For Commission consideration and action. Applicant seeks approval for the levy of a monthly standby fee of \$10/equivalent single family connection against unimproved commercial/multi-family property within the District to supplement the debt service account.

APPROVED, CJ/BJW

Item 34. APPLICATION BY CYPRESS HILL MUNICIPAL UTILITY DISTRICT NO. 1 OF HARRIS COUNTY; For Commission consideration and action. Applicant seeks approval for the levy of an annual standby fee against undeveloped single family lots in the District in the amount of \$254.37/lot in Cypress Mill Section 1, and \$171.27/lot in Cypress Mill Section 2, to supplement the operating account and \$791.38/lot in Cypress Mill Section 1 and \$533/lot in Cypress Mill Section 2 to supplement the debt service account.

CONTINUED TO JANUARY 16, 1991 AT 3:00 P.M.

Item 35. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO.

46 FOR APPROVAL OF THE LEVY OF A STANDBY FEE; For Commission consideration and action. Applicant seeks approval for the levy of an annual standby fee of \$3,653/acre against 72 acres of commercial reserves and \$1,144/acre against 90 acres of undeveloped land in the District to supplement the operating account and the debt service account.

APPROVED, CJ/BJW

Item 36. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 119; For Commission consideration and action. Applicant seeks approval for the levy of an annual standby fee against undeveloped single family lots, commercial acreage and multifamily acreage in amounts varying from \$12/ac. for commercial tracts with only plant capacity and \$720/lot for single family lots with full utilities to supplement the debt service account.

CONTINUED TO JANUARY 16, 1991 AT 3:00 P.M.

Item 37. APPLICATION BY LAKE CONROE HILLS MUNICIPAL UTILITY DISTRICT OF MONTGOMERY COUNTY; For Commission consideration and action. Applicant seeks approval for the levy of an annual standby fee against undeveloped single family lots and commercial acreage in the District in the amount of \$120/lot for residential development and \$480/acre of commercial reserves to supplement the operating account.

CONTINUED TO FEBRUARY 13, 1991 AT 3:00 P.M.

Item 38. APPLICATION BY LOUETTA NORTH PUBLIC UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE LEVY OF A STANDBY FEE; For Commission consideration and action. Applicant seeks approval for the levy of a monthly standby fee of \$15/lot against unimproved lots within Colony Creek Village Section 1 & 3 and Champion Woods Section 1 to supplement the debt service account.

CONTINUED TO JANUARY 30, 1991 AT 3:00 P.M.

Item 39. APPLICATION BY MILLS ROAD MUNICIPAL UTILITY DISTRICT; For Commission consideration and action. Applicant seeks approval for the levy of an annual standby fee against undeveloped property in the District in the amount of \$0.05/GPD allotted wastewater treatment plant capacity/month to supplement the debt service account.

REMANDED TO OFFICE OF HEARINGS EXAMINER FOR A EVIDENTIARY HEARING.

Item 40. APPLICATION BY MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 56 FOR APPROVAL OF THE LEVY OF A STANDBY FEE; For Commission consideration and action. Applicant seeks approval for the levy of an annual standby fee of \$198/lot against 308 unimproved lots within Cumberland Phase I to supplement the operating account and the debt service account.

APPROVED, CJ/BJW

Item 41. APPLICATION BY SPORTSMAN'S WORLD MUNICIPAL UTILITY DISTRICT OF PALO PINTO COUNTY FOR AUTHORIZATION TO LEVY A STANDBY FEE; For Commission consideration and action. Applicant seeks approval for the levy of an annual standby fee against undeveloped lots and acreage in the District producing revenues of \$193,000 for debt service and \$200,000 for operation and maintenance.

REMANDED TO OFFICE OF HEARINGS EXAMINER FOR A EVIDENTIARY HEARING.

Item 42. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$4,065,000 BOND ISSUE APPROVED OCTOBER 23, 1986. For Commission consideration and action. Applicant requests approval of the transfer of \$300,000 in surplus construction funds to its debt service fund and \$188,789 to its operating fund.

APPROVED, CJ/BJW

Item 43. APPLICATION BY GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 6 FOR APPROVAL OF THE USE OF SURPLUS FUNDS, \$2,590,000 BOND ISSUE APPROVED FEBRUARY 21, 1985. For Commission consideration and action. Applicant requests approval of the transfer of \$100,000 in surplus construction funds to debt service.

APPROVED, CJ/BJW

Item 44. APPLICATION BY LAMAR COUNTY WATER SUPPLY DISTRICT FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$1,400,000 BOND ISSUE APPROVED JUNE 15, 1989. For Commission consideration and action. Applicant requests the use of \$312,449.80 in surplus funds to finance the construction of two hydropneumatic tanks, a four pump booster station, and a ground storage tank.

APPROVED, CJ/BJW

Item 45. APPLICATION BY HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 61 FOR APPROVAL TO USE SURPLUS FUNDS; \$4,515,000 BOND ISSUE APPROVED DECEMBER 5, 1985. For Commission consideration and action. Applicant seeks approval to use \$200,000 in surplus funds to finance the acquisition of utility easements for District's annexed tracts, in order to be able to provide future utility service to the tracts.

APPROVED, CJ/BJW

Item 46. APPLICATION BY GREENS PARKWAY MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS, \$6,415,000 BOND ISSUE APPROVED APRIL 18, 1985. For Commission consideration and action. Applicant requests approval of the transfer of \$250,000 in surplus construction funds to debt service.

APPROVED, CJ/BJW

Item 47. APPLICATION BY MAPLE RUN AT AUSTIN MUNICIPAL UTILITY DISTRICT OF TRAVIS COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS, \$22,650,000 CITY OF AUSTIN CONTRACT REVENUE BOND ISSUE APPROVED JUNE 12, 1986. For Commission consideration and action. Applicant requests approval of the transfer of \$1,430,500 in surplus construction funds plus interest earnings to debt service.

APPROVED, CJ/BJW

Item 48. APPLICATION BY MAPLE RUN AT AUSTIN MUNICIPAL UTILITY DISTRICT OF TRAVIS COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$3,750,000 BOND ISSUE APPROVED SEPTEMBER 18, 1986. For Commission consideration and action. Applicant requests approval of the transfer of \$339,828 in surplus construction funds plus interest earnings to debt service.



APPROVED, CJ/BJW

Item 49. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 28 FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS, \$3,760,000 BOND ISSUE APPROVED APRIL 18, 1985. For Commission consideration and action. Applicant requests approval of the release of \$81,400 of escrowed funds for construction and engineering costs for utilities within Sugar Mill Section 10.

APPROVED, CJ/BJW

Item 50. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO.13 FOR RELEASE OF ESCROWED CONNECTION FEE FUNDS. For Commission consideration and action. The District requests Commission approval for the release of \$170,748 from escrow to reimburse the developer for construction cost advances, release Fort Bend County MUD No. 16, First Colony MUD No. 5, and First Colony MUD No. 8 from their escrow requirement and to pay up to 5-years of developer interest.

APPROVED, CJ/BJW

Item 51. APPLICATION BY WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 3 FOR APPROVAL OF AN ESCROW RELEASE; \$1,400,000 UNLIMITED TAX BONDS, APPROVED MARCH 17, 1989. For Commission consideration and action. The District's application requests Commission approval of the release of \$118,697 from escrow to purchase wastewater capacity in the City of Cedar Park wastewater out-fall main that was constructed by the City, and finance an air lift pump at the District's wastewater treatment plant.

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

Item 52. APPLICATION BY SAN ANTONIO RIVER AUTHORITY. For Commission consideration and action. Applicant seeks approval for the levy of an impact fee in the amount of \$850 per equivalent single family connection for wastewater service in the Martinez Creek Wastewater System.

APPROVED, CJ/BJW

Item 53. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NOS. 93, 145, 236, 262, AND 350 AND HARRIS COUNTY UTILITY DISTRICT NOS. 1, 2, 3, 4, 8, AND 10 FOR APPROVAL OF A FIRE PROTECTION PLAN. For Commission consideration and action. Applicants request approval of a plan to contract with the Kingwood Volunteer Fire Department for fire protection.

APPROVED, CJ/BJW

Item 54. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF JOHN C. BERRY AND RATEPAYERS OF RAYWOOD WATER SUPPLY CORPORATION APPEALING AN INCREASE IN RETAIL WATER RATES IN LIBERTY COUNTY, TEXAS; DOCKET NO. 8494-W. Raywood provides retail water service to approximately 396 customers. Recommendation: Petitioners withdrew petition. Order dismissing petition without prejudice. (Colbert)

APPROVED, CJ/BJW

Item 55. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF J.E. FRANKLIN TRUST to increase retail water and sewer rates in Lubbock County, Texas; Docket No.

8523-G. Applicant provides retail water and sewer service to approximately 182 customers. Recommendation: Adoption of agreement of parties. (Wood)

APPROVED, CJ/BJW

Item 56. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF MOHAWK WATER COMPANY FOR A TRANSFER OF CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 10912 TO JOHNSON COUNTY RURAL WATER SUPPLY CORPORATION TO PROVIDE WATER SERVICE IN JOHNSON AND TARRANT COUNTIES, TEXAS; DOCKET NOS. 7827-S, 7828-S, 8502-S. Recommendation: Adoption of agreement of parties. (Wood)

APPROVED, CJ/BJW

Item 57. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF THE CITY OF TOM BEAN FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICE IN GRAYSON COUNTY, TEXAS; DOCKET NO. 8422-C. Recommendation: Adoption of agreement of parties. (Wood)

APPROVED, CJ/BJW

Item 58. APPLICATION OF DONIE WATER WORKS, INC. for a Water Certificate of Convenience and Necessity in Freestone County (Application No. 8665-C, Holck)

APPROVED, CJ/BJW

Item 59. APPLICATION OF CENTERLINE WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Burleson County (Application No. 8672-C, Holck)

APPROVED, CJ/BJW

Item 60. APPLICATION OF HEBRON WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Denton County, (Application No. 8384-C, Holck)

APPROVED, CJ/BJW

Item 61. APPLICATION OF LAKE TANGLEWOOD, INC. for a Water Certificate of Convenience and Necessity in Randall County (Application No. 8648-C, Holck)

APPROVED, CJ/BJW

Item 62. APPLICATION OF MORGAN MILL WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Erath County (Application No. 8670-C, Holck)

APPROVED, CJ/BJW

Item 63. APPLICATION OF SOUTHWEST FANNIN COUNTY WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Fannin and Grayson Counties (Application No. 8623-C, Holck)

APPROVED, CJ/BJW

Item 64. APPLICATION OF GARFIELD WATER SUPPLY CORPORATION to Amend Water Certificate of Convenience and Necessity No. 11244 in

Travis County (Application No. 8473-C, Mayhew)

APPROVED, CJ/BJW

Item 65. APPLICATION OF LEBANON WATER SUPPLY CORPORATION to Amend Water Certificate of Convenience and Necessity No. 11220 by Decertifying Portions of Its Service Area in Collin and Denton Counties (Application No. 8513-Q, Holck)

APPROVED, CJ/BJW

Item 66. APPLICATION OF BENT TRAIL HOMEOWNERS ASSOCIATION, INC. DBA WINFRED TATE WATER COMPANY for a Water Certificate of Convenience and Necessity and to Decertify a Portion of the Certificated Service Area of Bethesda Water Supply Corporation, CCN No. 10089, in Tarrant County (Application No. 8207-C, Mayhew)

REMANDED TO EXECUTIVE DIRECTOR FOR FURTHER PROCESSING.

Item 67. APPLICATION OF POINT ROYAL PROPERTY OWNERS IMPROVEMENT ASSOCIATION OF HENDERSON COUNTY, INC. DBA POINT ROYAL WATER SYSTEM for a Water Certificate of Convenience and Necessity and to Decertify a Portion of CCN No. 12110 of Three Community Water Supply Corp. in Henderson County (Application No. 8615-C, Holck)

APPROVED, CJ/BJW

Item 68. APPLICATION OF SPRING FINANCIAL, INC. DBA BRAZORIA UTILITIES for a Sewer Rate/Tariff Change, CCN No. 20716 (Application No. 8197-G, Horst) This is the correct one, disregard the previous.

APPROVED, CJ/BJW

Item 69. APPLICATION OF RED ROCK WATER SUPPLY CORPORATION to Purchase Facilities and Transfer Water Certificate of Convenience and Necessity No. 12134 from Scotch and Water Supply Corporation in Denton County (Application No. 8518-S)

APPROVED, CJ/BJW

Item 70. CONSIDERATION OF AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE CONTRACT AMENDMENT NO. 1 TO THE CONTRACT WITH LOCKWOOD, ANDREWS & NEWNAM FOR INTERIM MAINTENANCE OF THE TEMPORARY RCRA STORAGE VAULT AND FRONTIER PARK ROAD AREAS AT THE PETRO-CHEMICAL SYSTEMS, INC. SUPERFUND SITE.

APPROVED, CJ/BJW

Item 71. CONSIDERATION OF AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE CONTRACT WITH ROY F. WESTON FOR THE REMEDIAL DESIGN OF THE FINAL PHASE AT THE UNITED CREOSOTING SUPERFUND SITE.

APPROVED, CJ/BJW

Item 72. CONSIDERATION OF AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT WITH IT CORPORATION FOR THE REMEDIAL DESIGN OF THE GROUND WATER REMEDIATION PHASE AT THE GENEVA INDUSTRIES SUPERFUND SITE.

APPROVED, CJ/BJW

Item 73. CONSIDERATION OF A MOTION FOR REHEARING OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES OF ADVANCED AROMATICS, INC., PERMIT NO. 01914-01. (This matter was considered on October 31, 1990.)

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

Item 74. CONSIDERATION OF AUTHORIZATION FOR THE EXECUTIVE DIRECTOR TO ENTER INTO SEVERAL CONTRACTS FOR: (1) CONTINUING WATER QUALITY PLANNING WITH & DESIGNATED REGIONAL PLANNING COMMISSIONS IN THE STATE; AND (2) THE GALVESTON BAY NATIONAL ESTUARY PROGRAM. (Baylor/Bohl)

APPROVED, CJ/BJW

EMERGENCY ADDENDUM TO UNCONTESTED AGENDA

Wednesday, December 12, 1990

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item 75. APPLICATION NO. 14-1397A BY A.J. JONES JR. TO COMBINE THE WATER RIGHTS AUTHORIZED BY CERTIFICATE OF ADJUDICATION NOS. 14-1365A, 14-1366A, 14-1367A, 14-1397 AND 14-1398 UNDER CERTIFICATE NO. 14-1397 AND TO AMEND CERTIFICATE NO. 14-1397, AS COMBINED. For Commission consideration and action. Applicant seeks to combine all of the rights now authorized by the aforesaid certificates, which includes diversions from both sides of the Concho River, under certificate No. 14-1397 and to amend the certificate, as combined, by authorizing diversion from the north bank of the river at the combined maximum diversion rate. (JORDAN;tls)

APPROVED, CJ/BJW

Item 76. COMMISSION CONSIDERATION OF EXECUTIVE DIRECTOR'S MOTION REQUESTING AN EMERGENCY ORDER OF THE COMMISSION - RAMON G. SANCHEZ DBA BOCA CHICA WATER SUPPLY, INC.; CCN NO. 11736. (PETROV)

(Emergency additions to the agenda is necessary due to reasonably unforeseen circumstances.)

APPROVED & CONTINUED TO JANUARY 16, 1991 AT 3:00 P.M. TO AFFIRM, MODIFY AND/OR SET ASIDE, CJ/BJW

UNCONTESTED OLD BUSINESS

Wednesday, December 12, 1990

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item carried forward from Agenda of October 10, 1990.

- Item 1. APPLICATION BY KANSAS CITY SOUTHERN RAILWAY COMPANY for renewal of Permit No. 02289 which authorizes a discharge of process wastewater at a volume not to exceed an average flow of 4,000 gallons per day plus stormwater from its Port Arthur railroad switching yard. The plant site is north of the Sabine-Neches Canal, south of Seventh Street in the City of Port Arthur, Jefferson County, Texas.

APPROVED, CJ/BJW

Item carried forward from Agenda of November 7, 1990.

- Item 2. APPLICATION BY EXCEL CORPORATION for Temporary Order No. 90-40T to authorize disposal of accumulated solids from three on-site lagoons by application on 120 acres of land at its meat packing and hide processing plant located in the City of Plainview, Hale County, Texas.

CONTINUED TO JANUARY 16, 1991 AT 9:00 A.M.

Item carried forward from Agenda of November 28, 1990.

- Item 3. 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.

APPROVED, CJ/BJW

Item carried forward from Agenda of October 17, and November 28, 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)

APPROVED, CJ/BJW

Item carried forward from Agenda of November 7, November 14,

and November 28, 1990.

Item 5. 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)

APPROVED, CJ/BJW

DOCKET

Wednesday, December 12, 1990

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item 1. COMMISSION CONSIDERATION WHETHER TO AFFIRM, MODIFY OR SET ASIDE EMERGENCY ORDER NO. 90-42E ISSUED ON NOVEMBER 15, 1990 BETWEEN LIBERTY HILL WATER SUPPLY CORPORATION AND JENKS BRANCH WATER SUPPLY COMPANY, FOR AN INTERCONNECTION. (Smith, D.)

AFFIRMED, CJ/BJW