

CONTESTED AGENDA

Wednesday, April 3, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF LANE CONTAINER, INC., NO PERMIT. (Mehta)

Cont. to April 17, at 9:00 a.m.

Item 2. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION & ORDER CONCERNING THE APPLICATION OF WARREN & BOBBY OWEN FOR PERMIT NO. 03232 TO AUTHORIZE THE DISPOSAL BY IRRIGATION OR EVAPORATION OF WASHDOWN WATER, FLUSHWATER AND STORMWATER FROM A CATTLE FEEDLOT OPERATION IN DEAF SMITH COUNTY, TEXAS AND SEGMENT NO. 0207 OF THE RED RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (ZUKAUCKAS)

Issue Order as Proposed, CJ/BJW

Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PROPOSED ENFORCEMENT ORDER CONCERNING VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE BY PARKSIDE LODGE OF TEXAS, INC., PERMIT NO. 12867-01. (Martinez)

Cont. to May 8, at 9:00 a.m.

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PROPOSED ENFORCEMENT ORDER CONCERNING VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE BY UTILITEC, INC., CERTIFICATE OF COMPETENCY NO. 20003. (Martinez)

Cont. to May 8, at 9:00 a.m.

Item 5. CONSIDERATION OF THE ADOPTION OF NEW 31 TEXAS ADMINISTRATIVE CODE, Sections 292.1-292.4, 292.11-292.13, and 292.21-292.26 concerning general provisions, administrative policies, and water management plans for water districts and river authorities. These new rules are proposed in order to provide guidelines for supervision of certain districts and river authorities.

Cont. to June 12, at 9:00 a.m.

Item 6. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO DISCUSS PENDING OR CONTEMPLATED LITIGATION, SETTLEMENT OFFERS, AND/OR 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 2(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 TEX.REV.CIV.STAT.ANN. art. 6252-17.

ADDENDUM TO CONTESTED AGENDA

Wednesday, April 3, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 7. CONSIDERATION OF THE ADOPTION OF EMERGENCY RULES CONCERNING
WASTE-DERIVED FUEL BLENDING AND BURNING. (Haley)

Adopt Staff Recommendation, CJ/BJW

CONTESTED OLD BUSINESS

Wednesday, April 3, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from March 6, 1991, and March 27, 1991

- Item 1. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF PILGRIM'S PRIDE CORPORATION FOR AN AMENDMENT TO PERMIT NO. 03017 TO AUTHORIZE THE DISCHARGE OF 3.0 MGD treated industrial wastewater effluent in Titus County, Texas, and Segment No. 0404 of the Cypress Creek Basin. Recommendation: Issuance of permit. (O'Neal)

Issue Order W/Changes by Staff, CJ/BJW

ALL ITEMS WERE CONTINUED TO APRIL 4, 1993 AT 1:30 P.M. IN ROOM 1-111 OF THE WILLIAM B. TRAVIS STATE OFFICE BUILDING.

UNCONTESTED AGENDA

Wednesday, April 3, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

- Item 1. EMPLOYEE OF THE MONTH.
- Item 2. APPLICATION BY PENNZOIL SULPHUR COMPANY for an amendment to Permit No. SU-50501 which authorizes a Class III Frasch Sulfur Mining Permit to conduct Frasch sulfur mining at its Culberson Mine. The Culberson Mine is located approximately 42 miles northwest of Pecos in Blocks 45, 52, and 111 of the Public School Land Survey in Culberson County, Texas.
- Item 3. APPLICATION BY BAKER HUGHES PRODUCTION TOOLS, INC. dba Baker San Control for a permit (Proposed Permit No. 03310) to authorize a discharge of treated process wastewater and stormwater at a volume not to exceed 1,000 gallons during any 24-hour period. The applicant operates an oilfield service company. The plant site is on the west side of State Highway 35, approximately 2.5 miles southwest of the intersection of State Highway 35 and FM Road 2917 and 1.8 miles northwest of the City of Liverpool, Brazoria County, Texas.
- Item 4. APPLICATION BY JOE BORGES for a permit (Proposed Permit No. 03284) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 600 head in confinement. The dairy is located on the south side of Farm-to-Market Road 8 and on the east side of an unnamed county road, approximately five miles west of Lingleville in Erath County, Texas.
- Item 5. APPLICATION BY CELANESE ENGINEERING RESINS, INC. for a permit (Proposed Permit No. 03318) to authorize a discharge of uncontaminated stormwater runoff from their Corpus Christi Deepwater Terminal, a methanol storage terminal. The plant site is at 2500 W. Broadway, approximately 1000 feet northwest of the intersection of Broadway and North Port Avenue, in the City of Corpus Christi, Nueces County, Texas.
- Item 6. APPLICATION BY SOUTH COAST TERMINALS, INC. for a permit (Proposed Permit No. 03150) to authorize a flow variable discharge of treated stormwater and boiler blowdown via Outfall 001 and a flow variable discharge of treated stormwater via Outfall 002. The applicant operates a bulk storage and packaging facility for lubricating oils and commercial chemicals. The plant site is at 7201 Wallisville Road in the City of Houston, Harris County, Texas.
- Item 7. APPLICATION BY CITY OF HOUSTON for an amendment to Permit No. 10495-16 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 5,000,000 gallons per day to a volume not to exceed an average flow of 7,000,000 gallons per day. The plant site is at 8219 Kellet Street in the City of Houston in Harris County, Texas.

- Item 8. APPLICATION BY SHINTECH INCORPORATED for an amendment to Permit No. 01871 in order to add Outfall 006 to monitor treated process, domestic and utility wastewaters and treated stormwater (treated wastewaters) and Outfall 007 to monitored uncontaminated stormwater from the new PVC production unit. The plant site is at 5618 Highway 332 East, approximately midway between State Highway 288 and FM Road 523, about three miles southeast of the City of Clute, Brazoria County, Texas.
- Item 9. APPLICATION BY TENNECO NATURAL GAS LIQUIDS CORPORATION for an amendment to Permit No. 00440 to change from a permit authorizing disposal by irrigation to a discharge permit. The plant site is at 1200 North Broadway in the City of Morgans Point, Harris County, Texas.
- Item 10. APPLICATION BY BETZ LABORATORIES, INC. for renewal of Permit No. 02791 which authorizes a discharge of stormwater runoff from the raw materials, tank farm and products handling areas at the Houston Plant which produces dry and liquid water treatment chemicals by blending organic and/or inorganic chemicals. The plant site is at 6900 Nelms Avenue (immediately west of Hobby Airport) in the City of Houston, Harris County, Texas.
- Item 11. APPLICATION BY COMMODORE COVE IMPROVEMENT DISTRICT for renewal of Permit No. 10798-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed 16,000 gallons per day average from the wastewater treatment facilities. The plant site is located at 711 Anchor Drive, approximately two miles southeast of the intersection of County Road 792 and Farm-to-Market Road 523 in Brazoria County, Texas.
- Item 12. APPLICATION BY CORINTHIAN POINT MUNICIPAL UTILITY DISTRICT NO. 2 for renewal of Permit No. 11285-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 250,000 gallons per day. The wastewater treatment facilities are approximately 6 miles northwest of the intersection of Farm-to-Market Road 1097 and Interstate Highway 45 and adjacent to the east side of Lake Conroe, approximately 9000 feet north of Farm-to-Market Road 1097 in Montgomery County, Texas.
- Item 13. APPLICATION BY HAN-MAN INVESTMENTS, INCORPORATED for renewal of Permit No. 13072-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 45,000 gallons per day from the Chasse Hollow Wastewater Treatment Plant. The plant site is located approximately 0.5 mile northwest of the intersection of State Highway 87 and Farm-to-Market Road 3247, 0.5 mile north of the intersection of Farm-to-Market Road 3247 and Farm-to-Market Road 1130 in Orange County, Texas.
- Item 14. APPLICATION BY INDEPENDENT BANKERS LEASING CORPORATION for renewal of Permit No. 13143-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed 43,000 gallons per day average from the Indian Lakes Wastewater Treatment Facilities. The plant site is located approximately 8,000 feet southeast of the intersection of State Highway 114 and Interstate Highway 35W, approximately two miles west of Roanoke in Denton County, Texas.
- Item 15. APPLICATION BY CITY OF LYFORD for renewal of Permit No. 11210-01 which authorizes a discharge of treated domestic wastewater

effluent at a volume not to exceed an average flow of 270,000 gallons per day. The wastewater treatment facilities are east of Lyford, approximately 0.8 mile east and 0.6 mile south of the intersection of State Highway 448 and Farm-to-Market Road 1921 in Willacy County, Texas.

- Item 16. APPLICATION BY TEXASGULF, INC. for renewal of Permit No. 00952 which authorizes a flow variable discharge of storm water runoff from the Moss Bluff Dome sulphur mining facility which is located on Farm-to-Market Road 563 at the Chambers-Liberty County Line, approximately 14 miles south of the City of Liberty, Liberty and Chambers Counties, Texas.
- Item 17. APPLICATION BY U.S. DEPARTMENT OF THE NAVY for renewal of Permit No. 02317 which authorizes a discharge of sanitary effluent commingled with previously monitored effluents and some stormwater at a volume not to exceed an average flow of 1,500,000 gallons per day from the Corpus Christi Naval Station. The plant site is at the Naval Air Station, east of Cayo del Oso, at the end of Ocean Drive and east of the City of Corpus Christi, Nueces County, Texas.
- Item 18. APPLICATION BY James River II, Inc. for Temporary Order No. 91-3T to authorize a maximum discharge of 400,000 gallons of rainwater contained in an abandoned oxidation pond. The pond site is in the southwest quadrant of the FM 1006 intersection with Foreman Road, approximately one mile north of Cow Bayou and 1,000 feet south of Round Bunch Road, and approximately 2.5 miles east-southeast of the Orange County Airport in Orange County, Texas.
- Item 19. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT OF SUBSTANTIAL NONCOMPLIANCE AND ORDER FINDING SUBSTANTIAL NONCOMPLIANCE AND FINDING NO FURTHER ACTION IS NECESSARY OF THE CITY OF WILLS POINT. (PERMIT NO. 10623-01) (RASBERRY) VAN ZANDT COUNTY
- Item 20. APPLICATION BY VELASCO DRAINAGE DISTRICT OF BRAZORIA COUNTY FOR APPROVAL OF THE USE OF FUNDS; \$5,000,000 BOND ISSUE, SERIES 1980. For Commission consideration and action. Applicant requests approval of the use of \$378,400 in funds to finance improvements to the Lake Jackson-Clute Drainage Channel.
- Item 21. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 61 FOR APPROVAL TO USE SURPLUS FUNDS; \$460,000 BOND ISSUE APPROVED June 6, 1984; For Commission consideration and action. Applicant seeks approval for the use of \$55,375 in surplus funds to fund their share of repairs at the District's regional water and wastewater treatment plants, and for their share of the dechlorination facilities at the wastewater treatment plant as required by the USEPA.
- Item 22. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 168 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$5,910,000 BOND ISSUE APPROVED MARCH 27, 1986. For Commission consideration and action. Applicant requests approval of the transfer of \$500,000 in surplus construction funds to debt service.
- Item 23. APPLICATION BY CLEAR LAKE CITY WATER AUTHORITY OF HARRIS COUNTY FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS; \$6,400,000 BOND ISSUE APPROVED December 14, 1990. For Commission consideration and action. The Authority has requested the release of \$227,101 from escrow to finance the

Kirby Office Center Project.

- Item 24. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 154 FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS; \$5,500,000 BOND ISSUE APPROVED December 29, 1983. For Commission consideration and action. The District has requested the release of \$15,585 from escrow to finance the installation of a bar screen at the District's wastewater treatment plant.
- Item 25. APPLICATION BY HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 113 FOR APPROVAL OF A CHANGE IN PLANS; \$885,000 BOND ISSUE APPROVED July 18, 1987. For Commission consideration and action. Applicant seeks approval of a change in plans to use \$56,179 to purchase and install a diesel powered electric generator to provide back-up power to their entire water treatment plant in lieu of a diesel powered electrical generator to provide back-up power to Water Well No. 2 at the water treatment plant.
- Item 26. APPLICATION BY LANGHAM CREEK UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF A STANDBY FEE; For Commission consideration and action. Applicant seeks approval for the levy of an annual standby fee against undeveloped single family lots, commercial, and multifamily acreage in the District in the annual amount of \$117.72/lot for residential development, \$1,012.39/acre of commercial reserves and \$1,683.39/acre of multifamily reserves to supplement the operating account.
- Item 27. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF COMMUNITY WATER SERVICE, INC. TO INCREASE RETAIL WATER RATES IN DALLAS, DENTON AND ELLIS COUNTIES, TEXAS; DOCKET NO. 8622-R. Applicant provides retail water service to approximately 514 customers. Recommendation: Adoption of agreement of parties. (Parker)
- Item 28. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF 82 PROPERTIES, INC. DBA AZTEC VILLAGE FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICE IN HAYS COUNTY, TEXAS; DOCKET NO. 7790-C. Recommendation: Adoption of agreement of parties. (Zukauckas)
- Item 29. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF CITY OF GEORGETOWN FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICE IN WILLIAMSON COUNTY, TEXAS. (Docket No. 8539-C). RECOMMENDATION: Adoption of agreement of parties. EXAMINER: (JACKSON)
- Item 30. APPLICATION OF BUSHLAND WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Potter and Randall Counties (Application No. 8886-C, Fenner)
- Item 31. APPLICATION OF DARRELL HALL DBA I-45 ESTATES WATER SYSTEM for a Water Certificate of Convenience and Necessity in Leon County (Application No. 8866-C, Fenner)
- Item 32. APPLICATION OF MADISONVILLE MOTORS, INC. DBA RIVER OAKS AND SUNSHINE WATER SYSTEMS for a Water Certificate of Convenience and Necessity in Leon and Madison Counties (Application No. 8865-C, Fenner)
- Item 33. APPLICATION OF I. M. BURNS DBA CATARINA WATER WORKS for a Water Certificate of Convenience and Necessity in Dimmit

County (Application No. 8803-C, Shires)

- Item 34. APPLICATION OF DOBIE LANE SOUTH OWNERS ASSOCIATION, INC. (DLSOA) for a Water Certificate of Convenience and Necessity in Hays County (Application No. 8842-C, Shires)
- Item 35. APPLICATION OF C. J. PORTERFIELD SR. for a Sewer Certificate of Convenience and Necessity in Brazos County (Application No. 8825-C, Shires)
- Item 36. APPLICATION OF H. P. SCHULTZ DBA H. P. SCHULTZ WATER SUPPLY for a Water Certificate of Convenience and Necessity in Robertson County (Application No. 8687-C, Mayhew)
- Item 37. APPLICATION OF CHALK HILL WATER SUPPLY CORPORATION for an Amendment to Water Certificate of Convenience and Necessity No. 11746 in Rusk County (Application No. 8576-C, Holck)
- Item 38. APPLICATION OF JOSEPH W. MAYHEW DBA WOOD TRAILS WATER SUPPLY to Transfer Water Certificate of Convenience and Necessity No. 11880 in Kerr County (Application No. 8942-S, Horst)
- Item 39. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF COUNTRY DAY LAKES ASSOCIATION, INC. FOR WATER USE PERMIT NO. 5310 IN TARRANT COUNTY, TEXAS, to divert 28.51 acre-feet of water per annum from the Clear Fork of the Trinity River, in Trinity River Basin, into an existing reservoir for recreational purposes (fish and wildlife habitat). Recommendation: Issuance of authorization. (O'Neal)
- Item 40. APPLICATION NO. 12-3526A BY TROYAT UNDERWOOD TO AMEND CERTIFICATE OF ADJUDICATION NO. 12-3526 For Commission consideration and action. Applicant seeks to amend Certificate No. 12-3526, which included authorization, until December 31, 1990, to divert and use not to exceed 20 acre-feet of water per annum from a reservoir constructed pursuant to Section 11.142 of the Texas Water Code on an unnamed tributary of Sabana River, Brazos River Basin to irrigate 20 acres of land in Comanche County, by deleting or extending the expiration date. (JORDAN;tls)
- Item 41. CONSIDERATION OF THE APPOINTMENT OF DIRECTORS FOR FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 1 IN ACCORDANCE WITH SECTION 54.105 OF THE TEXAS WATER CODE. (Lanning)
- Item 42. CONSIDERATION OF AUTHORIZATION TO ENTER INTO AN INTERAGENCY CONTRACT WITH THE TEXAS DEPARTMENT OF AGRICULTURE FOR DEVELOPING THE FINAL STATE AGRICULTURAL CHEMICALS IN GROUND WATER MANAGEMENT PLAN. (Alvarado)