

CONTESTED AGENDA

Wednesday, April 17, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF SPORTSMAN'S WORLD MUNICIPAL UTILITY DISTRICT to levy standby fees with lien status in Palo Pinto County, Texas; TWC I.C. No. 112189-D02 (MISC). Applicant provides retail water and sewer service to approximately 20 customers. Recommendation: Approval of rate increase. (Gee)

Issue Order W/Changes as Recommended by Staff. JEB/CJ

Item 2. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF BRAZOS RIVER AUTHORITY FOR WATER USE PERMIT NO. 5093, BOSQUE COUNTY, TEXAS, TO CONSTRUCT A 112,438 ACRE-FT. RESERVOIR TO IMPOUND AND DIVERT NOT TO EXCEED 17,900 ACRE-FEET OF WATER PER ANNUM FROM THE NORTH BOSQUE RIVER, IN THE BRAZOS RIVER BASIN, FOR MUNICIPAL PURPOSES. RECOMMENDATION: DENIAL OF AUTHORIZATION. (WOOD)

Continued to 5/8/91, at 9:00 a.m.

Item 3. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF BRAZOS RIVER AUTHORITY FOR WATER USE PERMIT NO. 5094, MCLENNAN COUNTY, TEXAS TO IMPOUND AN ADDITIONAL 87,962 ACRE-FEET OF WATER IN LAKE WACO, IN THE BRAZOS BASIN, AND TO DIVERT NOT TO EXCEED 20,770 ACRE-FEET OF WATER PER ANNUM FOR MUNICIPAL PURPOSES. RECOMMENDATION: DENIAL OF APPLICATION. (WOOD)

Continued to 5/8/91, at 9:00 a.m.

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF STRUCTURAL METALS, INC., SWR NO. 31533. (Hahn)

Issue Agreed Order, JEB/CJ

Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S MOTION REQUESTING THE SETTING OF INTERIM RATES IN THE MATTER OF THE APPLICATION OF THUNDERBIRD BAY WATER SERVICES FOR A RATE INCREASE IN BROWN COUNTY, DOCKET NO. 9008-R. (Keils)

Issue Proposed Orders as Recommended by Staff, CJ/JEB

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.

No Action Taken

CONTESTED OLD BUSINESS

Wednesday, April 17, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of March 20, 1991

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TEXAS WATER COMMISSION ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF KENNETH BAILEY. (CELESTINO)

Remand to Office Hearings Examiner

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

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT CONCERNING VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE BY CEDAR POINT UTILITY COMPANY, PERMIT NO. 12454-01. The Executive Director is requesting the Commission to issue an order requiring certain actions as set out in his report and to consider the transfer of Permit No. 12454-01 from Cedar Point Utility Company, who is in bankruptcy, to another entity who will operate the facility pursuant to the terms and provisions of the permit, the Water Code and the rules of the Texas Water Commission. (Kirick)

Remand to Office Hearings Examiner

Item carried forward from Agenda of September 26th, October 3, October 24, November 28, 1990, and February 27, 1991 and March 27, 1991.

- Item 3. 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)

Cont. Indef.

Item carried forward from Agenda of April 3, 1991.

- Item 4. 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)

Continue to 5/1/91 at 9:00 a.m.

WYNNE
JOHNSON
BIRDWELL

UNCONTESTED AGENDA

Wednesday, April 17, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 1. APPLICATION BY HANS ULBE DEGROOT for a permit (Proposed Permit No. 03265) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 750 head in confinement. The dairy is on the west side of County Road 2331, approximately 1.6 miles south of the intersection of State Highway 11 and County Road 2331 and approximately 1.8 miles southwest of the intersection of State Highway 11 and Farm-to-Market Road 1870 in Hopkins County, Texas.

Approved, CJ/JEB

Item 2. APPLICATION BY GORE'S INC. dba Hillcrest Dairy for a permit (Proposed Permit No. 03312) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 990 total head in confinement. The dairy is approximately 0.8 mile east of State Highway 16 and approximately 1 mile south of U.S. Highway 377 in Comanche County, Texas.

Approved, CJ/JEB

Item 3. APPLICATION BY PERRY BROTHERS DAIRY for a permit (Proposed Permit No. 03325) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 450 head in confinement. The dairy is located approximately four miles north of Murchison on County Road 3808, Henderson County, Texas.

Approved, CJ/JEB

Item 4. APPLICATION BY CURTIS VOSS, Bluebonnet Dairy for a permit (Proposed Permit No. 03286) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 500 head in confinement. The dairy is on the north side of an unnamed county road, approximately 2 miles southwest of the intersection of Farm-to-Market Road 914 and Farm-to-Market Road 847 in Erath County, Texas.

Approved, CJ/JEB

Item 5. APPLICATION BY VULCAN MATERIALS COMPANY for a permit (Proposed Permit No. 03329) to authorize a discharge of treated wastewater from a final settling pond at a volume not to exceed an average flow of 1,000,000 gallons per day. The applicant operates a quarry producing crushed limestone and an asphalt plant. The plant site is approximately 2.25 miles southeast of the City of Eastland and adjacent to Lake Olden, Eastland County, Texas.

Approved, CJ/JEB

Item 6. APPLICATION BY SAN MIGUEL ELECTRIC COOPERATIVE, INC. for a minor amendment to Permit No. 02601 which currently authorizes intermittent, flow variable discharges of: coal pile runoff via Outfall 001; effluent from the well water storage pond via Outfall 002; treated effluent via Outfalls 003 and 004. The proposed amendment would delete Outfalls 002, 003 and 004. Outfall 001 will authorize an intermittent, flow variable discharge of coal pile runoff. The plant site is four (4) miles east of State Highway 16 and sixteen (16) miles south (via State Highway 16) of the City of Jourdanton, Atascosa County, Texas.

Approved, CJ/JEB

Item 7. APPLICATION BY CARTER LAKE WATER SUPPLY CORPORATION for renewal of Permit No. 13153-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 8,500 gallons per day from the Carter Lake Wastewater Treatment Facilities. The plant site is approximately 2.2 miles northeast of the intersection of Rock Prairie Road and State Highway 6 in Brazos County, Texas.

Approved, CJ/JEB

Item 8. APPLICATION BY CITY OF DIBOLL for renewal of Permit No. 10288-01 which authorizes a discharge of treated domestic wastewater effluent in phases with a final volume not to exceed 1,410,000 gallons per day average from the wastewater treatment facilities which are located adjacent to White Oak Creek, approximately 1,500 feet west of the crossing of White Oak Creek by U.S. Highway 59 on the south side of Diboll in Angelina County, Texas.

Approved, CJ/JEB

Item 9. APPLICATION BY HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 52 for renewal of Permit No. 10528-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 700,000 gallons per day from the wastewater treatment facilities which are approximately 2 and 3/4 miles northeast of the intersection of Farm-to-Market Road 1960 and Farm-to-Market Road 149, at the north end of Paradise Valley Drive bounded on the north and west by Cypress Creek in Harris County, Texas.

Approved, CJ/JEB

Item 10. APPLICATION BY THOMAS MCCULLOCH for renewal of Permit No. 13084-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 25,000 gallons per day from the Hartwick Green Wastewater Treatment Facilities. The plant site is approximately 1600 feet northwest of the intersection of Aldine-Westfield Road and Hartwick Road and approximately 2300 feet south of Halls Bayou in Harris County, Texas.

Approved, CJ/JEB

Item 11. APPLICATION BY CITY OF WHARTON for renewal of Permit No. 10381-02 which authorizes a discharge of treated domestic wastewater effluent in phases with the final volume not to exceed an average flow of 2,000,000 gallons per day from the Wastewater Treatment Plant Number Two. The plant site is approximately 0.8 mile due north of the intersection of U. S.

Highway 59 and Farm-to-Market Road 102, 1.8 miles northwest of the intersection of Richmond Road (State Highway 60) and Ogden Street (Farm-to-Market Road 102) in Wharton County, Texas.

Approved, CJ/JEB

Item 12. APPLICATION BY HORSEPEN BAYOU MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$4,550,000 BOND ISSUE APPROVED OCTOBER 4, 1985. For Commission consideration and action. Applicant requests the approval to use \$133,200 in surplus construction funds to finance a water well rehabilitation project and the replacement of a chlorinator unit at the District's wastewater treatment plant.

Approved, CJ/JEB

Item 13. CONSIDERATION OF THE APPOINTMENT OF DIRECTORS FOR MACEDONIA-EYLAU MUNICIPAL UTILITY DISTRICT NO. 1 IN ACCORDANCE WITH SECTION 54.105 OF THE TEXAS WATER CODE. (Lanning)

Cont. to 05/01/91, at 9:00 a.m.

Item 14. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF SHADOWOOD WATER COMPANY TO INCREASE RETAIL WATER RATES IN HARRISON COUNTY, TEXAS; DOCKET NO. 8554-G. Applicant provides retail water service to approximately 70 customers. Recommendation: Adoption of agreement of parties. (Jackson)

Issue Order w/changes as Proposed by Hearings Examiner, JEB/BJW

Item 15. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF PROGRESO WSC TO INCREASE RETAIL WATER RATES IN HIDALGO COUNTY, TEXAS (DOCKET NO. 8695-G) APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 150 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (JAMES LEE MURPHY -EXAMINER) (CLAIRE ARENSON IS PRESENTING TO THE COMMISSION)

Issue Order w/changes as Proposed by Hearings Examiner, JEB/BJW

Item 16. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF TOM C. GIBSON DBA MEDINA HIGHLANDS WATER TO INCREASE RETAIL WATER RATES IN BANDERA COUNTY, TEXAS. (DOCKET NO. 8724-G). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 14 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (SALLY COLBERT)

Issue Agreed Order, JEB/BJW

Item 17. APPLICATION OF STOWAWAY BAY OWNERS ASSOCIATION, INC. DBA STOWAWAY BAY WATER SYSTEM for Water and Sewer Certificates of Convenience and Necessity and to Decertify a Portion of Onalaska Water Supply Corporation, Certificate of Convenience and Necessity No. 10119 in Polk County (Application Nos. 8859-C and No. 8860-C, Holck)

Approved, JEB/BJW

Item 18. APPLICATION OF I. M. PITTMAN DBA WALNUT RIDGE WATER SYSTEM for a Water Certificate of Convenience and Necessity in Angelina County (Application No. 8789-C, Shires)

Approved, JEB/BJW

Item 19. APPLICATION OF R. H. BROWN DBA VINTON VILLAGE ESTATES WATER SYSTEM for a Water Certificate of Convenience and Necessity in El Paso County (Application No. 8716-C, Shires)

Approved, JEB/BJW

Item 20. APPLICATION OF E. B. J. V., INC. DBA SOUTHERN OAKS WATER SYSTEM for a Water Certificate of Convenience and Necessity in Montgomery County (Application No. 8727-C, Arroyo)

Approved, JEB/BJW

Item 21. APPLICATION OF WALTER BAUDAT, JR. DBA H2O UTILITIES for the Purchase of Facilities and Transfer of Water Certificate of Convenience and Necessity No. 11962 from Park Place Utilities and to Transfer a Portion of the Area from Blue Bell Manor Utility Company, Inc., CCN No. 10963, in Montgomery County (Application No. 7712-S, Erwin)

Approved, JEB/BJW

Item 22. APPLICATION OF KINGSLAND ESTATES WATER SUPPLY CORPORATION to Transfer Water Certificate of Convenience and Necessity No. 11598 from Wheeler Development Corporation in Harris County (Application No. 8935-S, Carlson)

Approved, JEB/BJW

Item 23. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF 439WSC FOR AN AMENDMENT TO CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 10001. To provide water service in Bell County, Texas; Docket No. 8658-C. Recommendation: Adoption of agreement of parties. (Jackson)

Issue Order as Proposed, JEB/BJW

Item 24. APPLICATION NO. 5340 BY WESTERN TOWING COMPANY FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT. FOR COMMISSION ACTION. Applicant seeks to divert and use 30 acre-feet of water per annum from the San Jacinto River, San Jacinto Basin, to clean cargo barges from a diversion point on the applicant's property, approximately 18 miles northeast of Houston, Harris County, Texas. (JORDAN/jme)

Approved, JEB/BJW

Item 25. APPLICATION NO. 23-2747B BY THE CITY OF LAREDO TO AMEND CERTIFICATE NO. 23-2747, AS AMENDED. FOR COMMISSION ACTION. Applicant seeks to amend the certificate to change the purpose of use of 210 acrefeet of Class A irrigation water rights to municipal use; to change the place of use and diversion point to the applicants services area and diversion facilities in Webb Co. on the Rio Grande. (JORDAN/lb)

Approved, JEB/BJW

Item 26. CONSIDERATION OF AUTHORIZING THE EXECUTIVE DIRECTOR TO AMEND THE CONTRACT WITH RADIAN CORPORATION FOR THE REMEDIAL DESIGN AT THE INDUSTRIAL TRANSFORMERS SUPERFUND SITE.

Approved, JEB/BJW

UNCONTESTED OLD BUSINESS

Wednesday, April 17, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item carried forward from Agenda of April 10, 1991.

- Item 1. APPLICATION BY OHMSTEDE, INC. for renewal of Permit No. 01318 which authorizes a discharge of process water, hydrotest water, stormwater runoff, cooling water and domestic sewage at a volume not to exceed an average flow of 85,000 gallons per day from a heat exchanger repair plant. The plant site is on the north side of State Highway 225, approximately one-half mile west of the intersection of State Highway 225 with State Highway 146 in the City of LaPorte, Harris County, Texas.

Approved, JEB/CJ