

CONTESTED AGENDA

Wednesday, April 24, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT OF SUBSTANTIAL NONCOMPLIANCE AND ORDER FINDING SUBSTANTIAL NONCOMPLIANCE AND FINDING NO FURTHER ACTION IS NECESSARY OF FIRST SOUTH SAVINGS ASSOCIATION - RANKIN ROAD PLANT. (PERMIT NO.12913-01) HARRIS COUNTY (Shaver)

Issue Order as Proposed, JEB/BJW

Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF AGNES DAIRY FOR VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE, PERMIT NO. 03071. (McCalla)

Issue Order as Proposed, JEB/BJW

Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT OF SUBSTANTIAL NONCOMPLIANCE AND ORDER FINDING SUBSTANTIAL NONCOMPLIANCE AND REQUIRING CERTAIN ACTIONS OF THE CITY OF BRACKETTVILLE. (PERMIT NO. 10194-01) KINNEY COUNTY (Chaffin)

Cont. to May 8, 1991 at 9:00 a.m.

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR HEARING AND PETITION TO ISSUE AN ORDER REQUIRING CERTAIN ACTIONS OF BURNEY HERMAN, CERTIFICATE OF COMPETENCY NO. 452-13-9683. (Corrigan)

Issue Order, JEB/BJW

Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF MINERAL RESEARCH AND DEVELOPMENT CORPORATION, PERMIT NO. 01878. (Ligarde)

Cont. to June 12, 1991 at 9:00 a.m.

Item 6. CONSIDERATION OF THE PETITION OF LAFARGE CORPORATION AND SYSTECH ENVIRONMENTAL CORPORATION FOR REVIEW OF CITY OF NEW BRAUNFELS ORDINANCE 90-32 ENACTED NOVEMBER 26, 1990, WHICH PROHIBITS THE INCINERATION OF AND STORAGE FOR INCINERATION OF HAZARDOUS MATERIALS WITHIN CERTAIN AREAS OF THE CITY'S TERRITORIAL AND EXTRATERRITORIAL JURISDICTION, IN ACCORDANCE WITH SECTION 26.177(d) OF THE TEXAS WATER CODE. (Smith,S)

Cont. Indef.

Item 7. CONSIDERATION OF THE REQUEST BY SECURING A FUTURE ENVIRONMENT (SAFE) TO DRAFT AMENDMENTS TO 31 TAC CHAPTER 335.204 AND THE TEXAS WATER CODE. (Hahn, S.)

Grant Petition, JEB/BJW

Item 8. 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 24, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of March 27, 1991.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF FANNING ELECTRIC PLATING CO. (SWR NO. 34880). (BIRCH)

Cont. to May 29, 1991 at 9:00 a.m.

Item carried forward from Agenda of March 27, 1991.

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF AQUA MANAGEMENT, INC., CERTIFICATE OF COMPETENCY NO. 20062. (Martinez)

Cont. to May 1, 1991 at 9:00 a.m.

Item carried forward from Agenda of March 27, 1991.

- Item 3. CONSIDERATION OF THE PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF UNITED STRUCTURES OF AMERICA, INC., PERMIT NO. 12765-01. (Martinez)

Cont. to May 1, 1991 at 9:00 a.m.

Item carried forward from Agenda of February 13, 1991, March 13, 1991 and April 10, 1991.

- Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF WILLIAM K. BATES, D/B/A SPRING CREEK TRAILS WATER SYSTEM, DOCKET NO. 8239-E. (Smith, D.)

Issue Agreed Order, JEB/BJW

UNCONTESTED AGENDA

Wednesday, April 24, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 1. U. S. DEPARTMENT OF ENERGY-PANTEX PLANT for a permit (Proposed Permit No. HW-50284, EPA I.D. No. TX-4890110527) to authorize the continued operation of an industrial solid waste storage and processing facility. The facility is located on 16,00 acres of land 17 miles northeast of Amarillo, north of U.S. Highway 60, and adjacent to State Highway 2373 in a rural area of Carson County, Texas.

Issue Permit With Changes, JEB/BJW

Item 2. U. S. DEPARTMENT OF ENERGY for a permit (Proposed Permit No. 13557-01) to authorize disposal of treated domestic sewage effluent from a noncommercial scientific research laboratory by irrigation on four acres of non-publicly accessible pasture land. The disposal volume is not to exceed 12,000 gallons per day average. The plant and irrigation sites are located on Hoyt Road, approximately 1000 feet north of the intersection of Farm-to-Market Road 1446 and Hoyt Road, approximately 4.5 miles west of the intersection of Interstate Highway 35E and Farm-to-Market 1446 in Ellis County, Texas.

Approved, JEB/BJW

Item 3. HARRIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 109 for an amendment to Permit No. 11026-01 to authorize a decrease in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 3,020,000 gallons per day to a volume not to exceed an average flow of 2,760,000 gallons per day. The plant site is at 13415 Bammel-North Houston Road, approximately 1.3 miles southwest of the intersection of Stuebner-Airline Road and Bammel-North Houston Road in Harris County, Texas.

Approved, JEB/BJW

Item 4. CITY OF THE COLONY, 5151 North Colony Blvd. for an amendment to Permit No. 11570-01 to authorize an increase in the discharge of treated domestic wastewater effluent from the Stewart Creek Wastewater Treatment Facilities. The permit currently authorizes a discharge at a volume not to exceed an average flow of 2,500,000 gallons per day with provisions to use the treated effluent for irrigation. The proposed amendment would authorize a discharge at a volume not to exceed an average flow of 5,000,000 gallons per day with provisions for irrigation. The plant site is approximately 2.7 miles north and 0.2 mile east of the intersection of State Highway 121 and Farm-to-Market Road 423, near Stewart Creek in the City of The Colony in Denton County, Texas.

Approved, JEB/BJW

Item 5. BAROID MANAGEMENT COMPANY for renewal of Permit No. 12046-01 which authorizes a discharge of treated domestic wastewater effluent in phases with a final volume not to exceed an

average flow of 140,000 gallons per day from the wastewater treatment facilities which are located approximately 2.5 miles west of U.S. Highway 59, on Morales Road about 2000 feet south of Sam Houston Parkway on a tract designated as 3000 North Sam Houston Parkway East in Harris County, Texas.

Approved, JEB/BJW

Item 6. BROOKSHIRE MUNICIPAL WATER DISTRICT for renewal of Permit No. 10001-01 which authorizes a discharge of treated domestic wastewater effluent in phases with a final volume not to exceed an average flow of 1,000,000 gallons per day from the wastewater treatment facilities which are located immediately south of Interstate Highway 10 and approximately 500 feet west of Brookshire Creek in Waller County, Texas.

Approved, JEB/BJW

Item 7. JACKSON COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2 for renewal of Permit No. 10196-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 45,000 gallons per day. The wastewater treatment facilities are approximately 1,500 feet east of Farm-to-Market Road 234 and approximately 1,600 feet north of Farm-to-Market Road 616 in Vanderbilt in Jackson County, Texas.

Approved, JEB/BJW

Item 8. CITY OF JOURDANTON for renewal of Permit No. 10418-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 330,000 gallons per day. The wastewater treatment facilities are approximately 0.5 mile southwest of the intersection of State Highways 16 and 97 and approximately 1 mile west of the intersection of State Highway 16 and Farm-to-Market Road 1332 in Atascosa County, Texas.

Approved, JEB/BJW

Item 9. APPLICATION BY JACKRABBIT ROAD PUBLIC UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE ISSUANCE OF \$3,200,000 IN UNLIMITED TAX BONDS, 8.21% NET EFFECTIVE INTEREST RATE, SERIES 1991, SIXTH ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$3,200,000 in tax bonds to finance a third water plant, improvements to water plant nos. 1 & 2, a new well at water plant no. 1, and land for a third water plant.

Approved, JEB/BJW

Item 10. APPLICATION BY VICTORIA COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 FOR APPROVAL OF THE ISSUANCE OF \$375,000 IN UNLIMITED TAX AND REVENUE BONDS, 8.2% NET EFFECTIVE INTEREST RATE, SERIES 1991, SEVENTH ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$375,000 in unlimited tax and revenue bonds to finance construction costs to replace approximately 3.5 miles of water line.

Approved, JEB/BJW

Item 11. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 238 FOR APPROVAL OF THE USE OF SURPLUS FUNDS, RELEASE OF

ESCROWED FUNDS AND RESCIND APPROVAL, \$5,680,000 BOND ISSUE APPROVED May 2, 1984. For Commission consideration and action. The District is requesting the use of \$122,540 in surplus funds and the release of \$35,445 in escrowed funds to finance repairs to the Barkers Ridge Subdivision's wastewater collection system, engineering, and associated contingencies.

Approved, JEB/BJW

Item 12. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 180 FOR THE APPROVAL OF THE USE OF \$320,000 IN SURPLUS FUNDS, \$6,500,000 BOND ISSUE APPROVED SEPTEMBER 14, 1984. For Commission consideration and action. Applicant requests approval of the transfer of \$320,000 in surplus construction funds to debt service.

Approved, JEB/BJW

Item 13. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF BRYAN STEWART, INC. DBA IDLEWOOD UTILITIES TO INCREASE RETAIL SEWER RATES IN ANGELINA COUNTY, TEXAS; DOCKET NO. 8774-R. Applicant provides retail sewer service to approximately 265 residential customers. Recommendation: Adoption of agreement of parties. (Sahs)

Issue Order As Proposed, JEB/BJW

Item 14. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF JOE SURLEY DBA SURLEY WATER WORKS FOR AUTHORIZATION TO DISCONTINUE RETAIL WATER UTILITY SERVICE IN HAMILTON COUNTY, TEXAS. (DOCKET NO. 8725-Q). RECOMMENDATION: ADOPTION OF RECOMMENDATIONS OF STAFF AND OFFICE OF PUBLIC INTEREST COUNSEL. (CLAY HARRIS)

Issue Order As Proposed, JEB/BJW

Item 15. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF JOHN ROOF FOR PERMIT NO. 03277 to authorize the disposal of wastes and wastewater from a dairy farm operation in Johnson County, Texas, Segment No. 1228 of the Brazos River Basin. Recommendation: Issuance of permit. (O'Neal)

Issue Order with Changes, JEB/BJW

Item 16. APPLICATION OF SAN FERNANDO WATER COMPANY, INC. for a Water Certificate of Convenience and Necessity in Bexar County (Application No. 8802-C, Holck)

Approved, JEB/BJW

Item 17. APPLICATION OF CISTERN WATER WELL COMPANY, INC. for a Water Certificate of Convenience and Necessity in Fayette County (Application No. 8904-C, Nichols)

Approved, JEB/BJW

Item 18. APPLICATION OF COMAL HILLS WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Comal County (Application No. 8424-C, Holck)

Approved, JEB/BJW

Item 19. APPLICATION OF WESTERN TRAILS WATER SUPPLY CORPORATION for Water and Sewer Certificates of Convenience and Necessity

(CCN) in Bexar County (Application Nos. 8712-C and 8713-C, Holck)

Approved, JEB/BJW

Item 20. APPLICATION OF CRIPPLE CREEK WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Denton County (Application No. 8941-C, Holck)

Approved, JEB/BJW

Item 21. APPLICATION OF DAVIS BAYOU SERVICE COMPANY, INC. for a Sewer Rate/Tariff Change; Application No. 8177-G, Holcomb; Sewer CCN No. 20718 in Liberty County.

Approved, JEB/BJW

Item 22. APPLICATION OF LUELLA WATER SUPPLY CORPORATION to Amend Water Certificate of Convenience and Necessity No. 10179 in Grayson County (Application No. 8667-C, Holck)

Approved, JEB/BJW

Item 23. APPLICATION OF CRAFT-TURNEY WATER SUPPLY CORPORATION for an Amendment to Water Certificate of Convenience and Necessity (CCN) No. 10800 and to Decertify a Portion of Maydelle Water Supply Corporation, CCN No. 10777, in Cherokee County (Application No. 8939-C, Holck)

Approved, JEB/BJW

Item 24. PETITION OF OTHA MULLENS DBA ARGYLE WATER WORKS to Cease Operations as a Public Utility in Denton County (Application No. 8900-Q, Horst)

Approved, JEB/BJW

Item 25. REQUEST FOR REFERRAL OF MORGAN HALBERT TO THE ATTORNEY GENERAL OF TEXAS FOR VIOLATION OF AN ENFORCEMENT ORDER. (Ligarde)

Remand to Attorney General, JEB/BJW

Item 26. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF LEROY W. RABIUS AND WIFE, GEORGIA MAE RABIUS FOR WATER USE PERMIT NO. 5324 IN WHARTON COUNTY, TEXAS, NOT TO EXCEED 87 ACRE-FEET OF WATER PER ANNUM FROM THE OLD CHANNEL OF THE SAN BERNARD RIVER, TRIBUTARY OF THE SAN BERNARD RIVER IN BRAZOS-COLORADO COASTAL RIVER BASIN, FOR IRRIGATION PURPOSES. RECOMMENDATION: ISSUANCE OF AUTHORIZATION. (ZUKAUCKAS).

Issue Order as Proposed, JEB/BJW

Item 27. APPLICATION NO. 08-3318A BY LAFARGE CORPORATION. For Commission action. Applicant seeks to amend certificate to: (1) maintain a new 936 acre-foot off-channel reservoir, in lieu of the previously authorized lakes; (2) divert the authorized 510 acre-feet of water per annum from Dry Creek, Trinity River Basin, into the reservoir for subsequent mining use; (3) authorize a diversion point and return point on Dry Creek; (4) delete SPECIAL CONDITIONS 5.A and 5.B. from the certificate and (5) initially fill the new reservoir, approximately 2 miles southeast of Chico, Wise County, Texas. (JORDAN:rma)

Approved, JEB/BJW

Item 28. APPLICATION NO 4049B BY PAUL J. MEYER TO AMEND PERMIT NO. 3763, AS AMENDED. For Commission Action. Applicant seeks to add a diversion point on his property downstream of the authorized diversion point on Salado Creek; to have the location of the streamflow marker redescribed in the permit (it was moved further downstream to accommodate the location of the diversion point) and to redefine the applicant's share of the acreage to be irrigated under the permit in Bell County. No increase in the annual appropriation or the diversion rate is sought. (JORDAN/lb)

Approved, JEB/BJW

Item 29. APPLICATION NO. 5085B BY CITY OF ROBINSON TO AMEND PERMIT NO. 5085. For Commission action. Applicant seeks to amend Permit No. 5085, as amended, by redefining the location and capacity of the four proposed off-channel reservoirs (combined capacity of the reservoirs will be unchanged), relocate the diversion point on the Brazos River and to add a return point, approximately 2 miles northeast of Robinson, McLennan County, Texas. (JORDAN:rma)

Approved, JEB/BJW

Item 30. APPLICATION NO. 12-3545A BY R. D. WALKER For Commission action. Applicant seeks to amend the certificate to extend the term of the certificate which is to expire December 31, 1990. Authorization includes the diversion and use of 15 acre-feet of water per annum from an exempt dam and 20 acre-foot reservoir on an unnamed tributary of Sabana River, Brazos River Basin to irrigate a maximum of 30 acres of land out of a 83-acre tract in Comanche County, approximately 4 miles west of DeLeon, Texas. (JORDAN:rma)

Approved, JEB/BJW

Item 31. APPLICATION BY THE CITY OF JACKSBORO FOR AN EXTENSION OF TIME TO COMPLETE CONSTRUCTION OF THE DAM AUTHORIZED BY CERTIFICATE NO. 08-3313. FOR COMMISSION ACTION. Applicant seeks to extend the completion date on the dam authorized by Certificate No. 08-3313 from November 2, 1990 to November 2, 1992. The dam is located on Lost Creek, tributary of the West Fork Trinity River, Trinity River Basin, approximately 3 miles northeast of Jacksboro, Jack County, Texas. (JORDAN/jme)

Approved, JEB/BJW

Item 32. APPLICATION OF VALWOOD IMPROVEMENT AUTHORITY (Docket RE-0285) FOR APPROVAL OF AN AMENDED PLAN OF RECLAMATION. For Final Decision. The original District's Plan of Reclamation approved by the Commission on November 21, 1978, contained a number of physical elements based on the then proposed land use plan and certain inside flood and drainage constraints. Subsequently, the inside constraints have changed substantially such that a change in the original plan of reclamation of over \$100,000 has been necessitated. Staff recommend adoption of order approving the amended plan of reclamation. (Jordan:jm)

Approved, JEB/BJW

ADDENDUM TO UNCONTESTED AGENDA

Wednesday, April 24, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 33. CONSIDERATION OF AUTHORIZING THE EXECUTIVE DIRECTOR TO AWARD A CONTRACT TO IT CORPORATION FOR CONSTRUCTION MANAGEMENT AND OPERATIONS OVERSIGHT AT THE ODESSA CHROMIUM II SUPERFUND SITE.

Award Contract, JEB/BJW