

CONTESTED AGENDA

Wednesday, May 1, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF SCENIC OAKS WATER SUPPLY CORPORATION TO INCREASE RETAIL WATER RATES IN BEXAR COUNTY, TEXAS; DOCKET NO. 8657-G. Applicant provides retail water service to approximately 192 customers. Recommendation: Approval of rate increase. (Jackson)

Denied, JEB/BJW

Item 2. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF OAKRIDGE WATER COMPANY TO INCREASE RETAIL WATER RATES IN POLK, SAN JACINTO, HARDIN, TYLER, WALKER, TRINITY AND LIBERTY COUNTIES, TEXAS; DOCKET NO. 8819-R. Applicant provides retail water service to approximately 5875 customers. Recommendation: Denial of interim rate request. (Sullivan)

Adopt Examiner's Proposal, JEB/BJW

Item 3. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE APPLICATION OF TEXAS COPPER CORPORATION FOR PERMIT NO. 03120 TO AUTHORIZE THE DISCHARGE OF 23.3 MGD OF TREATED INDUSTRIAL WASTEWATER EFFLUENT IN GALVESTON COUNTY, TEXAS, AND SEGMENT NO. 2439 OF THE BAY AND ESTUARIES. RECOMMENDATION: ISSUANCE OF PERMIT. (SULLIVAN)

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

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF CROSBY MUNICIPAL UTILITY DISTRICT, PERMIT NO. 11388-01, FOR VIOLATION OF CHAPTER 26 OF THE TEXAS WATER CODE. (Martinez)

Issue Agreed Order, JEB/BJW

Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT CONCERNING RENE HINOJOSA FOR VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE. The Executive Director's Petition requests an order from the Commission assessing administrative penalties and requiring certain actions of Rene Hinojosa (no permit). (Martinez)

Issue Agreed Order, JEB/BJW

Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER REQUIRING CERTAIN ACTIONS OF WEST CEDAR CREEK MUNICIPAL UTILITY DISTRICT, PERMIT NO. 11839-01. (Smith, J.)

Cont. to May 15, 1991 at 9:00 a.m.

Item 7. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING

ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF LEE HARRIS, INDIVIDUALLY. (J. SMITH)

Cont. to May 22, 1991 at 9:00 a.m.

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, May 1, 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 PETITION FOR APPROVAL TO REFER B. C. WATER, INC., TO THE OFFICE OF THE ATTORNEY GENERAL FOR ENFORCEMENT. (Smith, D.)

Referral to Attorney General, JEB/BJW

Item carried forward from Agenda of April 10, 1991.

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT, PETITION AND PROPOSED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF GUNDLE LINING SYSTEMS, INC., CONCERNING VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE, PERMIT NO. 13443-01. (McCalla)

Cont. to May 1, 1991 at 3:00 p.m.

Item carried forward from the Agenda of March 6, 1991 and April 10, 1991.

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTORS INVESTIGATION INTO THE OPERATIONS AND SERVICES RENDERED BY R.C. D/B/A/ LAWSON WATER SERVICE/ ORANGE COUNTY, TEXAS. (KEILS, K.) D-8809

Cont. to Jul 24, 1991 at 9:00 a.m.

Item carried forward from Agenda of April 3, 1991 and April 17, 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)

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

Item carried forward from Agenda of April 17, 1991.

- Item 5. 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)

Appoint Directors as Recommended by Staff, JEB/BJW

Item carried forward from Agenda of March 27 and April 24, 1991.

- Item 6. 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)

Remanded to Office Hearings Examiner, JEB/BJW

Item carried forward from Agenda of March 27 and April 24, 1991.

- Item 7. 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)

Issue Agreed Order, JEB/BJW

UNCONTESTED AGENDA

Wednesday, May 1, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 1. EMPLOYEE OF THE MONTH.

Robert Phillips

Item 2. APPLICATION BY PHILLIPS 66 COMPANY for a closure/post-closure care permit (Proposed Permit No. HW-50271, EPA I.D. No. TXD-091263558) and a Compliance Plan (Proposed No. CP-50271). The facility is located on a 982-acre tract of land north of State Highway 136, approximately one mile west of Farm Road 1336, near Borger in Hutchinson County, Texas.

Approved, JEB/BJW

Item 3. APPLICATION BY HAROLD WAYNE PARKS DBA PARKS' HILL DAIRY for (Proposed Permit No. 03315) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 500 head in confinement. The dairy is located on the north side of Farm-to-Market Road 8, approximately one mile west of the intersection of Farm-to-Market Road 8 and Farm-to-Market Road 219 in Erath County, Texas.

Approved, JEB/BJW

Item 4. APPLICATION BY CITY OF NACOGDOCHES for an amendment to Permit No. 10342-04 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 10,080,000 gallons per day to a volume not to exceed an average flow of 12,880,000 gallons per day. The plant site is on the east side of Bayou LaNana, between FM 1275 and FM 2863 in Nacogdoches County, Texas.

Approved, JEB/BJW

Item 5. APPLICATION BY AIR PRODUCTS MANUFACTURING CORPORATION for renewal of Permit No. 02177 which authorizes a discharge of treated process water, utility wastewaters and treated sanitary sewage at a volume not to exceed an average flow of 12,000 gallons per day from a hydrogen gas purification plant. The plant site is on the east side of Battleground Road, approximately one and three-fourths miles north of the intersection of Battleground Road and State Highway 225 in the City of La Porte, Harris County, Texas.

Approved, JEB/BJW

Item 6. APPLICATION BY CITY OF ALBANY for renewal of Permit No. 10035-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 290,000 gallons per day from the Plum Creek Wastewater Treatment Facilities. The plant site is approximately one mile southeast of the intersection of U.S. Highways 180 and 283; approximately 3200 feet east of U.S. Highway 283 in Shackelford County, Texas.

Approved, JEB/BJW

Item 7. APPLICATION BY AMOCO CHEMICAL COMPANY for renewal of Permit No. 00452 which authorizes a discharge of uncontaminated stormwater runoff from a tank farm and dock area. The plant site is on the north bank of the Texas City Barge Canal, approximately 3200 feet east of the termination of the Barge Canal, Galveston County, Texas.

Approved, JEB/BJW

Item 8. APPLICATION BY CITY OF BISHOP for renewal of Permit No. 10427-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed 320,000 gallons per day average from the wastewater treatment facilities which are located approximately 1.25 miles south of the intersection of U.S. Highway 77 and 6th Street, west of U.S. Highway 77 and adjacent to Carreta Creek in Nueces County, Texas.

Approved, JEB/BJW

Item 9. APPLICATION BY GILMER POTTERIES for renewal of Permit No. 01361 which authorizes a discharge of treated wastewaters at a volume not to exceed 50,000 gallons during any 24-hour period from a plant that manufactures vitreous china bathroom accessories. The plant site is southwest of the intersection of Warren Avenue and U.S. Highway 271 in the City of Gilmer, Upshur County, Texas.

Approved, JEB/BJW

Item 10. APPLICATION BY GULF STATES UTILITIES COMPANY for renewal of Permit No. 01581 which authorizes a discharge of once through cooling water commingled with previously monitored effluents at a volume not to exceed an average flow of 237,600,000 gallons per day from the Neches Steam Electric Station. The plant site is on the south bank of the Neches River, approximately two (2) miles east of the Sycamore Street/Kansas City Railway Company Chaison Spur Track intersection in the City of Beaumont, Jefferson County, Texas.

Approved, JEB/BJW

Item 11. APPLICATION BY HANSA MANUFACTURING COMPANY for renewal of Permit No. 02777 which authorizes a discharge of treated process wastewater, treated cooling tower blowdown and uncontaminated stormwater runoff at a volume not to exceed an average flow of 950,000 gallons per day from its Cedar Bayou Plant, a petroleum refinery and organic chemical manufacturing plant. The plant site is adjacent and east of Cedar Bayou, approximately 2-1/2 stream miles south of the State Highway 146 Cedar Bayou Bridge and northeast of the City of Baytown, Chambers County, Texas.

Approved, JEB/BJW

Item 12. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 1 for renewal of Permit No. 11630-01 which authorizes a discharge of treated domestic wastewater effluent in phases with a final volume not to exceed 582,000 gallons per day average from the Londonderry Wastewater Treatment Facilities which are located approximately 2,000 feet east of Kuykendahl Road, 4,000 feet south southeast of the intersection of Hufsmith Road and Kuykendahl Road in Harris County, Texas.

Approved, JEB/BJW

Item 13. APPLICATION BY CITY OF HOUSTON for renewal of Permit No. 10495-65 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 3,000,000 gallons per day from the Easthaven Wastewater Treatment Plant. The plant site is at 8545 Scranton Street, due east of William P. Hobby Airport, approximately 0.7 mile southwest of the intersection of Interstate Highway 45 (Gulf Freeway) and Airport Boulevard in Harris County, Texas.

Approved, JEB/BJW

Item 14. APPLICATION BY CITY OF MONT BELVIEU for renewal of Permit No. 11030-02 which authorizes a discharge of treated domestic wastewater effluent at a final volume not to exceed 90,000 gallons per day average from the Old River Country Sewage Treatment Plant which is located approximately three miles northeast of the intersection of Loop Road 207 and Farm to Market Road 565 in Mont Belvieu, being also 1,000 feet south of the confluence of Cherry Point Gully and Old River, in Chambers County, Texas.

Approved, JEB/BJW

Item 15. APPLICATION BY ROYALWOOD MUNICIPAL UTILITY DISTRICT for renewal of Permit No. 10608-02 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 260,000 gallons per day from the Royalwood Municipal Utility District South Wastewater Treatment Facilities. The plant site is immediately west of Uvalde Road, approximately 6500 feet south of the intersection of Uvalde Road and U.S. Highway 90 in Harris County, Texas.

Approved, JEB/BJW

Item 16. APPLICATION BY STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION for renewal of Permit No. 12202-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 22,500 gallons per day from the Jefferson County Rest Area Wastewater Treatment Facilities which are located adjacent to Interstate Highway 10 at a point approximately 0.97 mile southwest of Farm-to-Market Road 365 in Jefferson County, Texas.

Approved, JEB/BJW

Item 17. APPLICATION BY GREATER TEXOMA UTILITY AUTHORITY OF COOKE AND GRAYSON COUNTIES FOR APPROVAL OF \$995,000 REVENUE BONDS, 5.5% NET EFFECTIVE INTEREST RATE, TENTH ISSUE. For Commission consideration and action. Applicant requests approval of this bond issue to finance costs associated with the construction of wastewater collection facilities and wastewater treatment plant.

Approved, JEB/BJW

Item 18. APPLICATION OF BUCKEYE KNOLL, INC. for a Water Certificate of Convenience and Necessity in Live Oak County (Application No. 8852-C, Fenner)

Approved, JEB/BJW

Item 19. APPLICATION OF MAYFAIR 5 JOINT VENTURE DBA MAYFAIR 5 WATER

COMPANY for a Water Certificate of Convenience and Necessity in El Paso County (Application No. 8902-C, Fenner)

Approved, JEB/BJW

Item 20. APPLICATION OF CY-FOREST SERVICE ASSOCIATION, INC. for a Water Certificate of Convenience and Necessity in Harris County (Application No. 8864-C, Fenner)

Approved, JEB/BJW

Item 21. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF THE EXECUTIVE DIRECTOR for an order assessing administrative penalties and requiring certain actions of Leigh Metal Coating and Machinery, Inc. in Ector County, Texas. Recommendation: Issuance of agreed Order. (Wood)

Issue Agreed Order, JEB/BJW

Item 22. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF LARRY WILDE FOR WATER USE PERMIT NO. 5335 IN TOM GREEN COUNTY, TEXAS to authorize reuse of groundwater in the Colorado River Basin for irrigation purposes. Recommendation: Issuance of authorization. (O'Neal)

Approved, JEB/BJW

Item 23. APPLICATION NO 5343 BY JAMES R. LEININGER FOR A SECTION 11.121 WATER USE PERMIT APPLICATION. FOR COMMISSION ACTION. Applicant seeks authorization to maintain an existing dam on the Blanco River, Guadalupe River Basin and impound in the resulting reservoir 5 acre-feet of water. Applicant seeks to divert 100 acre-feet of water per annum from the reservoir to irrigate 50 acres of land in Kendall County. (Jordan)

Cont. to May 8, 1991, at 3:00 p.m.

Item 24. APPLICATION NO. 5344 BY JAMES R. HATCHETT FOR A WATER USE PERMIT. For Commission Action. Applicant seeks authorization to divert and use 132 acre-feet of water per annum from an exempt 6.5 acre-foot capacity reservoir on Fort Ewell Creek and from Chacon Creek, Nueces River Basin, at a maximum combined rate of 1.1 cfs (500 gpm) to irrigate 66 acres out of a total of 66.285 acres of land in the Robert Atkinson Survey No. 5, Abstract No. 3, approximately 21 miles southeast of Hondo, Medina County, Texas. (JORDAN/wph).

Approved, JEB/BJW

Item 25. APPLICATION NO. TA-6543 BY JACK MIMS dba SUNSET GOLF CENTER, INC. FOR A TEMPORARY WATER USE PERMIT. FOR COMMISSION ACTION. Applicant seeks to divert and use 25 acre-feet of water within a 9-month period from an unnamed tributary of Mountain Creek, Trinity River Basin, for irrigation purposes (9-hole golf course) from the unnamed tributary's confluence with Mountain Creek approximately 0.3-mile downstream of the US 80 crossing of Mountain Creek and approximately 8 miles southwest of Dallas, Dallas County, Texas. (JORDAN/jme)

Approved, JEB/BJW

Item 26. APPLICATION NO. 23-2421F BY BRASK-DUMONT RANCH, INC. For Commission consideration and action. Applicant seeks to combine the Rio Grande irrigation rights it owns as authorized

by Certificate of Adjudication Nos. 23-2421, as amended and 23-2688, as amended under Certificate No. 23-2421, as amended and to amend Certificate No. 23-2421, as amended and combined, to change the point of diversion and place of use currently included in Certificate No. 23-2688, to the diversion point and place of use in Webb County now included in Certificate No. 23-2421, as amended. (JORDAN;tls)

Approved, JEB/BJW

Item 27. APPLICATION NO. 23-539A BY CRISOLFA RIVAS TO AMEND CERTIFICATE OF ADJUDICATION NO. 23-539. For Commission Action. Applicant seeks to amend Certificate No. 23-539 to authorize the use of water allocated under this certificate to irrigate within any and/or all of the land authorized under Certificate Nos. 23-395, as amended, 23-428 and 23-470, in addition to the tract authorized under Certificate No. 23-539, approximately 25 miles southwest of Edinburg, Hidalgo County, Texas. (JORDAN/wph).

Approved, JEB/BJW

Item 28. APPLICATION NO. 12-3480A BY SAUL PULLMAN TO AMEND CERTIFICATE OF ADJUDICATION NO. 12-3480. For Commission action. Applicant seeks to amend Certificate No. 12-3480 to delete a special condition contained in the certificate or to extend to term of the certificate for an additional period of years for the diversion and use of 40 acre-feet of water from an exempt reservoir on an unnamed tributary of Nash Creek, Brazos River Basin, to irrigate 40 acres of land approximately 11 miles southeast of Eastland, Eastland County, Texas. (JORDAN/wph)

Approved, JEB/BJW

Item 29. APPLICATION NO. 23-428A BY ESTATE OF MARIA G. FLORES TO AMEND CERTIFICATE OF ADJUDICATION NO. 23-428. For Commission Action. Applicant seeks to amend Certificate No. 23-428 to authorize the use of water allocated under this certificate to irrigate within any and/or all of the land authorized under Certificate Nos. 23-395, as amended, 23-470 and 23-539, in addition to the tract authorized under Certificate No. 23-428, approximately 25 miles southwest of Edinburg, Hidalgo County, Texas. (JORDAN/wph).

Approved, JEB/BJW

Item 30. APPLICATION NO. 23-470A BY ROGELIO JIMENEZ TO AMEND CERTIFICATE OF ADJUDICATION NO. 23-470. For Commission Action. Applicant seeks to amend Certificate No. 23-470 to authorize the use of water allocated under this certificate to irrigate within any and/or all of the land authorized under Certificate Nos. 23-395, as amended, 23-428 and 23-539, in addition to the tract authorized under Certificate No. 23-470, approximately 25 miles southwest of Edinburg, Hidalgo County, Texas. (JORDAN/wph).

Approved, JEB/BJW

Item 31. APPLICATION NO. 12-3486A BY RONNIE N. LOVE AND WIFE, BARBARA ANN LOVE; MELVA T. LOVE AND WIFE, EUNICE M. LOVE AND D. W. RODGERS AND WIFE, AGNESS RODGERS TO AMEND CERTIFICATE NO. 12-3486. FOR COMMISSION ACTION Applicants seek to extend the term of the irrigation rights under the certificate which was set to expire December 31, 1990. Certificate allows

impoundments and diversion of water from the Salt Branch and an unnamed tributary of Salt Branch, Brazos River Basin, Eastland County. Water is diverted for irrigation purposes.

Approved, JEB/BJW

Item 32. CONSIDERATION OF ALL MOTIONS FOR REHEARING ON AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND OTHER RELIEF AGAINST KATHY DRISKELL DBA DRISKELL SUBURBAN MOBILE ESTATES WATER SYSTEM, DOCKET NO. 8237-E. (This matter was heard on March 6, 1991)

Overruled, JEB/BJW

Item 33. CONSIDERATION OF ALL MOTIONS FOR REHEARING ON THE ORDER CONCERNING THE APPLICATION OF TAWAKONI WATER UTILITY CORPORATION TO INCREASE RETAIL WATER RATES IN HUNT, KAUFMAN AND VAN ZANDT COUNTIES, TEXAS; DOCKETS NOS. 8127-A AND 7961-R. (This matter was considered on March 13, 1991)

Granted, Issue Order as Amended Incorporated in Executive Director's Motion For Rehearing, JEB/BJW

ADDENDUM TO UNCONTESTED AGENDA

Wednesday, May 1, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 34. COMMISSION CONSIDERATION OF AGENCY AFFIRMATIVE ACTION PLAN.

Approved, JEB/BJW

ADDENDUM TO UNCONTESTED AGENDA

Wednesday, May 1, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 35. CONSIDERATION OF AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACT WITH TEXAS A&M UNIVERSITY AT GALVESTON FOR THE PERFORMANCE OF MARSH RESTORATION STUDY ASSOCIATED WITH THE APEX BARGE SPILL.

Approved, JEB/BJW

UNCONTESTED OLD BUSINESS

Wednesday, May 1, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item carried forward from Agenda of April 10, 1991 and May 1, 1991 at 9:00 a.m.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT, PETITION AND PROPOSED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF GUNDLE LINING SYSTEMS, INC., CONCERNING VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE, PERMIT NO. 13443-01. (McCalla)

Issue Agreed Order, JEB/BJW