

CONTESTED AGENDA

Wednesday, May 29, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. CONSIDERATION OF THE MOTION OF SHARYLAND WATER SUPPLY CORPORATION FOR A PROTECTIVE ORDER IN THE MATTER OF THE PETITION OF SHARYLAND WSC FOR REVIEW OF THE RATES OF UNITED IRRIGATION DISTRICT (DOCKET NO. 8293-M).

Cont. to 06/05/91, at 9:00 a.m.

Item 2. 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.

CONTESTED OLD BUSINESS

Wednesday, May 29, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from the Agenda of December 12, 1990 and January 16, 1991 and February 20, 1991 and April 10, 1991.

- Item 1. CONSIDERATION OF THE COMPLAINT OF THE EXECUTIVE DIRECTOR AND PROPOSED ORDER IN THE MATTER OF AN UNAUTHORIZED DIVERSION, UNPERMITTED IMPOUNDMENT, AND DENIAL OF ACCESS TO WATERMASTER BY RIO BRAVO, INC.; CERTIFICATE OF ADJUDICATION NO. 23-2811. (Kirick)

Cont. to 06/05/91, at 9:00 a.m.

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

- Item 2. 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 06/05/91, at 9:00 a.m.

Item carried forward from Agenda of May 15, 1991.

- Item 3. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE PETITION OF CITY OF ARLINGTON FOR REVIEW OF WHOLESALE SEWER RATES CHARGED IN FORT WORTH IN TARRANT COUNTY, TEXAS; DOCKET NO. 8291-A. Recommendation: Approval of rates as set forth in Order. (Sullivan)

Cont. to 06/05/91, at 9:00 a.m.

Item carried forward from Agenda of April 10, 1991 and May 15, 1991.

- Item 4. CONSIDERATION OF A PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF DON PURSE, DBA RIO VALLEY ESTATES MOBILE HOME PARK, PERMIT NO. 11469-01. (Montelongo)

Cont. to 06/05/91, at 9:00 a.m.

CONTESTED AGENDA

Wednesday, May 29, 1991

TEXAS WATER COMMISSION

2:00 p.m.
Room 118

- Item 1. COMMISSION CONSIDERATION OF THE PETITIONS OF CITIZENS FOR RESPONSIBLE GOVERNMENT, ET AL., CIRCLE C. DEVELOPMENT JOINT VENTURE, AND BARTON CREEK PROPERTIES, INC., for review of the actions of the CITY OF AUSTIN in adopting (i) City Ordinance No. 910221-E, entitled "An Ordinance Adopting Interim Non-Degradation Regulations for the Barton Creek Watershed and the Watersheds Contributing to Barton Springs," on February 21, 1991; and (ii) Emergency Rules promulgated in response to the Ordinance, entitled "Interim Design Guidelines for Water Quality Controls in the Barton Springs Contributing Zone," effective March 11, 1991. Petitioners have requested that the Commission overturn or modify the Ordinance and Rules pursuant to Texas Water Code 26.177(d). (Vay).

Cont. to Sept 11 1991, at 2:00 p.m.

UNCONTESTED AGENDA

Wednesday, May 29, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 1. APPLICATION BY FEDERATED METALS CORPORATION for a permit (Proposed Permit No. 03251) to authorize a discharge of treated stormwater at a volume not to exceed 324,000 gallons during any 24-hour period via Outfall 001 plus emergency overflows of stormwater from the retention pond at a volume variable with rainfall via Outfall 002. The company operates a facility used for the casting and fabrication of lead products and storage of nonferrous metal products. The plant site is at 9200 Market Street in the City of Houston, Harris County, Texas.

Approved, JEB/JH

Item 2. APPLICATION BY AMOCO OIL COMPANY for renewal of Permit No. 00450 which authorizes intermittent, flow variable discharges of stormwater runoff from the South 114-Acre Property at the Texas City Refinery. The plant site is at the intersection of Grant Avenue and FM 519 in the City of Texas City, Galveston County, Texas.

Approved, JEB/JH

Item 3. APPLICATION BY BENTWOOD ESTATES, INC. for renewal of Permit No. 12612-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed 15,000 gallons per day average from the wastewater treatment facilities which are located at 2719 Third Street, approximately 1200 feet north of Farm-to-Market Road 1960, northeast of the unincorporated townsite of Huffman in Harris County, Texas.

Approved, JEB/JH

Item 4. APPLICATION BY CITY OF COLEMAN for renewal of Permit No. 10150-03 which authorizes a discharge of backwash water effluent at a volume not to exceed an average flow of 50,000 gallons per day from the Hords Creek Water Treatment Facilities. The plant site is on the North Mississippi Street in City of Coleman in Coleman County, Texas.

Approved, JEB/JH

Item 5. APPLICATION BY CROCKETT COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 1 for renewal of Permit No. 10059-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 500,000 gallons per day from the Main Wastewater Treatment Facilities. The permittee is also authorized to dispose of the treated effluent by irrigation. The plant site is approximately 3,000 feet west of State Highway 163 and approximately 2.5 miles south of Interstate Highway 10 in Crockett County, Texas.

Approved, JEB/JH

Item 6. APPLICATION BY FORT BEND UTILITIES COMPANY for renewal of

Permit No. 01893 which authorizes a discharge of once through cooling water at a volume not to exceed an average flow of 2,200,000 gallons per day from a steam electric station. The plant site is at 198 Kempner Street in the City of Sugar Land, Fort Bend County, Texas.

Approved, JEB/JH

Item 7. APPLICATION BY CITY OF LORENA for renewal of Permit No. 12195-01 which authorizes a discharge of treated domestic wastewater effluent in phases with a final volume not to exceed an average flow of 150,000 gallons per day from the wastewater treatment facilities which are located adjacent to the southern boundary of the Lorena Cemetery and immediately west of the Missouri-Kansas-Texas Railroad right-of-way, approximately 3500 feet south of the intersection of Center Street and Front Street in McLennan County, Texas.

Approved, JEB/JH

Item 8. APPLICATION BY LOWER COLORADO RIVER AUTHORITY for renewal of Permit No. 02743 which authorizes intermittent flow variable discharges from the active mining area retention ponds plus intermittent flow variable discharges of aquifer dewatering and depressurization from the Cummins Creek Support Facility. The existing permit with the exception of one outfall was suspended on December 28, 1987 at the permittees request. The plant site is adjacent to and east of Fayette County Road 133 at a site about 1 mile northwest of the Town of Waldeck in Fayette County, Texas.

Approved, JEB/BJW (JH, Abstain)

Item 9. APPLICATION BY MOBIL OIL CORPORATION DBA MOBIL MINING AND MINERALS COMPANY for renewal of Permit No. 00649 which authorizes a discharge of treated wastewater effluent at a volume not to exceed an average flow of 970,000 gallons per day via Outfall 001 and a discharge of treated wastewater effluent at a volume not to exceed a daily maximum of 1,100,000 gallons via Outfall 002. The applicant operates a plant manufacturing ammonium phosphate fertilizer which is located on the south bank of the Houston Ship Channel at the northern terminus of Davison Road, at 2001 Jackson Road in the City of Pasadena, Harris County, Texas.

Approved, JEB/JH

Item 10. APPLICATION BY TEXAS INSTRUMENTS INCORPORATED for renewal of Permit No. 02391 which authorizes a discharge of treated domestic wastewater and neutralized industrial and utility wastewaters at a volume not to exceed an average flow of 150,000 gallons per day from its Northwest Houston Plant which is engaged principally in the repair and refurbishment of computers and computer peripheral equipment. The plant site is at 24500 U.S. Highway 290, approximately one mile southeast of the Town of Cypress, north of U.S. 290 Cypress Creek bridge and on the east side of Dry Creek, Harris County, Texas.

Approved, JEB/JH

Item 11. APPLICATION BY VIDOR INDEPENDENT SCHOOL DISTRICT for renewal of Permit No. 13210-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 11,500 gallons per day from the Pine Forest

Elementary School Wastewater Treatment Facilities. The plant site is on the southwest corner of the Pine Forest Elementary School property, approximately 1,500 feet south of the intersection of Farm-to-Market Road 105 and Farm-to-Road 1131 in Orange County, Texas.

Approved, JEB/JH

Item 12. APPLICATION BY WINTER GARDEN PARK CORPORATION for renewal of Permit No. 11628-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 11,000 gallons per day from Winter Garden Wastewater Treatment Facilities. The plant site is 850 feet due west from the intersection of U.S. Highway 83 and Farm-to-Market 800, 85 feet south of U.S. Highway 83 in Cameron County, Texas.

Approved, JEB/JH

Item 13. APPLICATION BY HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 for an amendment to Permit No. 10104-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 1,570,000 gallons per day to a volume not to exceed an average flow of 1,600,000 gallons per day. The plant site is at the west end of Avenue E, in the unincorporated Community of Highlands in Harris County, Texas.

Approved, JEB/JH

Item 14. APPLICATION BY LOWER COLORADO RIVER AUTHORITY for an amendment to Permit No. 01369 to authorize an increase in the discharge of condenser cooling water and previously monitored effluents from a volume not to exceed 413,000,000 gallons per day average to a volume not to exceed 435,000,000 gallons per day average. The plant site is adjacent to Lake Lyndon B. Johnson, at a site approximately seven (7) miles west of the City of Marble Falls and approximately one (1) mile north of Ranch Road 2147 in Llano County, Texas.

Approved, JEB/BJW (JH Abstain)

Item 15. APPLICATION BY CITY OF SONORA for an amendment to Permit No. 10545-01 in order to add provisions for the disposal of treated effluent by irrigation on a 68.3-acre tract of land as an effluent disposal alternative. The permit currently authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 876,000 gallons per day, which will remain the same. The plant site is on the south bank of Dry Devils River, approximately 0.3 mile southeast of U.S. Highway 277, and approximately 1.2 miles south-southwest of the intersection of U.S. Highway 277 and U.S. Highway 290 in Sutton County, Texas.

Approved, JEB/JH

Item 16. APPLICATION BY WADSWORTH WATER SUPPLY CORP. for an amendment to Permit No. 12618-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 20,000 gallons per day to a volume not to exceed an average flow of 29,000 gallons per day. The wastewater treatment facilities are approximately 400 feet east of State Highway 60 and approximately 1100 feet south of Laird Road in Matagorda

County, Texas.

Approved, JEB/JH

Item 17. APPLICATION BY HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 110 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$1,150,000 BOND ISSUE APPROVED February 3, 1981. For Commission consideration and action. Applicant requests approval of the use of \$60,815 in surplus construction funds for emergency repairs to the District's existing wastewater collection system.

Approved, JEB/JH

Item 18. APPLICATION BY EASTLAND COUNTY WATER SUPPLY DISTRICT FOR APPROVAL OF THE ISSUANCE OF \$2,650,000 IN REVENUE BONDS, 5.0% NET EFFECTIVE INTEREST RATE, SERIES 1991, SECOND ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$2,650,000 in revenue bonds to finance raw water pump station improvements, an in-line raw water pump station, an in-line raw water surge tower, water treatment plant improvements, and a treated water pumping station including a 1.0 mg storage tank.

Approved, JEB/JH

Item 19. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 28 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$3,760,000 BOND ISSUE APPROVED APRIL 18, 1985. For Commission consideration and action. Applicant requests approval of the transfer of \$139,120 in surplus construction funds to the operating account.

Approved, JEB/JH

Item 20. APPLICATION BY NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 15 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$2,800,000 BOND ISSUE APPROVED November 20, 1984. For Commission consideration and action. Applicant requests approval of the transfer of \$70,000 in surplus construction funds to debt service.

Approved, JEB/JH

Item 21. APPLICATION BY CIRCLE C MUNICIPAL UTILITY DISTRICT NO. 3 OF TRAVIS COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$36,000,000 BOND ISSUE APPROVED June 26, 1986. For Commission consideration and action. Applicant requests approval of the use of \$2,074,722 of surplus funds for the purpose of paying the District's share of financing refunding bonds for the \$36,000,000 bond issue.

Approved, JEB/JH

Item 22. APPLICATION BY NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 23 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$1,400,000 BOND ISSUE APPROVED September 14, 1984. For Commission consideration and action. Applicant requests approval of the transfer of approximately \$40,000 in surplus construction funds to debt service and the approval of the use of \$21,445 in surplus construction funds for the Offsite Sheet Flow Swale, 1990 Maintenance Work project.

Approved, JEB/JH

Item 23. APPLICATION BY FIRST COLONY MUNICIPAL DISTRICT NO. 9 OF FORT BEND COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$1,420,000 BOND ISSUE APPROVED May 11, 1988. For Commission consideration and action. Applicant requests approval of the use of \$60,000 of surplus funds to finance a 50% share of three separate phases of wastewater diversion facilities serving the District and Fort Bend County MUD No. 42.

Approved, JEB/JH

Item 24. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50 FOR APPROVAL OF THE LEVY OF A STANDBY FEE; For Commission consideration and action. Applicant seeks approval for the levy of a nonuniform annual standby fee of \$269/lot in year 1, \$334/lot in year 2, \$353/lot in year 3, \$2,550/acre in year 1, \$3,163/acre in year 2, & \$3,347/acre in year 3 against undeveloped land in the District to supplement the debt service account.

Approved, JEB/JH

Item 25. APPLICATION BY BARKER-CYPRESS MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF A STANDBY FEE. For Commission consideration and action. Applicant seeks approval for the levy of a standby fee against unimproved or undeveloped land in the District in the amount of \$33.00 per year per equivalent connection to supplement the operation and maintenance account and \$169.20 per equivalent connection in Glencairn, \$178.44 per equivalent connection in Westglen, and \$111.72 per equivalent connection in undeveloped commercial and multi-family acreage to supplement the debt service account.

Approved, JEB/JH

Item 26. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF RADIANCE WATER SUPPLY CORPORATION FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY to provide water service in Hays County, Texas; Docket No. 8674-C. Recommendation: Adoption of agreement of parties. (Colbert)

Issue Agreed Order, JH/JEB

Item 27. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF RATEPAYERS AGAINST THE CITY OF MURPHY TO INCREASE RETAIL WATER RATES IN COLLIN COUNTY, TEXAS; DOCKET NO. 8944-W. Applicant provides retail water service to approximately 26 extraterritorial northern customers. Recommendation: Adoption of agreement of parties. (Demerle)

Issue Agreed Order, JH/JEB

Item 28. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING PETITION OF APPEAL OF NEW CONNECTION FEE OF M. S. WATER SUPPLY CORPORATION IN MCLENNAN COUNTY, TEXAS; DOCKET NO. 8932-X. Applicant provides retail water service to customers. Recommendation: Adoption of agreement of parties. (Jackson)

Issue Agreed Order, JH/JEB

Item 29. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF F/R CATTLE COMPANY, INC. FOR PERMIT NO. 03308 to authorize the disposal by irrigation of waste and wastewater from a calf receiving station which consists of a

maximum of 5,000 calves in confinement in Erath County, Texas, and Segment No. 1226 of the Brazos River Basin. Recommendation: Issuance of permit. (Zukauckas)

Adopt Examiners Memorandum and Issue Order, JH/JEB

Item 30. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF CLIFFORD DEAL DBA SPRING VALLEY DAIRY FOR AN AMENDMENT TO PERMIT NO. 02049 to include all dairy expansion projects which have been implemented. The proposed amendment authorizes disposal of waste and wastewater from a dairy which consists of a maximum of 500 head in confinement. Recommendation: Issuance of permit. (Limes)

Cont. to 6/24/91 at 9:00 a.m.

Item 31. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR THE REFERRAL OF KEN AND GARY HULSTEIN TO THE ATTORNEY GENERAL OF TEXAS FOR VIOLATIONS OF AN ENFORCEMENT ORDER, PERMIT NO. 11064-01. (Ligarde)

Remand to Attorney General, JEB/JH

Item 32. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF THE RATEPAYERS OF WICHITA VALLEY WATER SUPPLY CORPORATION APPEALING AN INCREASE IN RETAIL WATER RATES IN ARCHER AND WICHITA COUNTIES, TEXAS; DOCKET NO. 8594-W. Applicant provides retail water service to approximately 396 customers. Recommendation: Adoption of agreement of parties. (Zukauckas)

Issue Agreed Order, JH/JEB

Item 33. APPLICATION NO. 5347 BY THE TOWN OF HOLIDAY LAKES FOR A SECTION 11.121 WATER USE PERMIT. For Commission consideration and action. Applicant seeks authorization to maintain three off-channel reservoirs in Brazoria County and to divert not to exceed 130 acre-feet of water per annum from Oyster Creek, San Jacinto-Brazos Coastal Basin, to maintain the level of the reservoirs for recreational purposes in a housing development. (JORDAN;tls)

Cont. to 6/12/91 at 3:00 p.m.

Item 34. APPLICATION NO. 5349 BY M.U.S.A. LTD. AND BRAZOS FARM LTD. FOR A 11.121 WATER USE PERMIT. For Commission Action. Applicant seeks authorization to divert and use 780 acre-feet of water per annum from the Brazos River Brazos River Basin, at a maximum rate of 13.4 cfs (6000 gpm) to irrigate 589.516 acres of land in the W. Mathis Grant, Abstract No. 37 and the J. Curtis, Jr., Grant, Abstract No. 12, approximately 10 miles southwest of Bryan, Brazos County, Texas. (JORDAN/wph).

Approved, JEB/JH

Item 35. APPLICATION BY RESOLUTION TRUST CORPORATION TO EXTEND THE TIME TO COMMENCE AND COMPLETE MODIFICATION OF A DAM AUTHORIZED BY PERMIT NO. 4269. For Commission consideration and action. Applicant seeks authorization to extend the time to commence modification of a dam on an unnamed tributary of Pecan Creek, Trinity River Basin, in Denton County creating a reservoir to be used for recreational use, from December 17, 1989 to January 1, 1996 and to extend the time to complete modification from December 17, 1990 to January 1, 1997.

(JORDAN;tls)

Approved, JEB/JH

Item 36. APPLICATION NO. 23-2811B BY RIO BRAVO, INC. TO AMEND CERTIFICATE NO. 23- 2811. For Commission Action. Applicant seeks an amendment to Cert. No. 23-2811 to change the purpose of use of 51.08 acre-feet of water rights diverted from Cienegas Creek, Rio Grande Basin, from irrigation to recreation and non-exempt domestic purposes and to include one exempt reservoir on an unnamed tributary of Salt Creek and one off-channel reservoir for storage and subsequent recreational and non-exempt domestic purposes, approximately 2 miles west of Del Rio, Val Verde County, Texas. (JORDAN/wph).

Approved, JEB/JH

Item 37. CONSIDERATION OF ALL MOTIONS FOR REHEARING ON THE ORDER CONCERNING THE APPLICATION OF THE CITY OF HIGHLAND VILLAGE VS. CITY OF LEWISVILLE. (This matter was considered on April 10, 1991.)

MFR Overruled, JH/JEB

Item 38. CONSIDERATION OF ALL MOTIONS FOR REHEARING ON AN ORDER 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. (This matter was previously heard on Wednesday, April 17, 1991.)

MFR Dismissed with Prejudice, JEB/JH

UNCONTESTED OLD BUSINESS

Wednesday, May 29, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item carried forward from Agenda of May 8, 1991.

- Item 1. CONSIDERATION OF THE ADOPTION OF NEW 31 TEXAS ADMINISTRATIVE CODE SECTIONS 334.481 AND 334.482, CONCERNING THE STORAGE, TREATMENT AND DISPOSAL OF PETROLEUM SUBSTANCE WASTE. These rules will be adopted as a new Subchapter K in 31 Texas Administrative Code Chapter 334, regarding petroleum storage tanks. (Mehta S.)

Cont. to 6/12/91, at 3:00 p.m.