

CONTESTED AGENDA

Wednesday, August 14, 1991

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

- Item 1. CONSIDERATION OF EXAMINER'S CERTIFIED QUESTIONS CONCERNING THE APPEAL OF CITY OF ARLINGTON OF WHOLESALE SEWER RATES SET BY THE CITY OF FORT WORTH IN TARRANT COUNTY, TEXAS; DOCKET NO. 8748-A. NO RECOMMENDATION. (Sullivan)

Move interim rates not be established, and that the other matters certified by the Examiner be continued until the Commission has considered rules currently being drafted by staff to address wholesale contractual relationships or 6 months, whichever occurs first. BJW/JH

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S NONCOMPLIANCE REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF DONNIE W. LATHAM, NO PERMIT. (Warneke)

Issue Proposed Order, BJW/JH

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER REQUIRING CERTAIN ACTIONS OF ROYLE CONTAINER COMPANY, TOM WEST AND DELTA DISTRIBUTORS, INC., (FORMERLY KNOWN AS DELTA SOLVENTS AND CHEMICALS COMPANY, FORMERLY DOING BUSINESS AS DELTA CONTAINER). (Gonzalez)

Cont. to November 6, 1991 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 SHELL OIL COMPANY, (ODESSA LAND TREATMENT FACILITIES). (Dickman)

Cont. to September 18, at 9:00 a.m.

- Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION TO AMEND AGREED ENFORCEMENT ORDER CONCERNING R. W. MCDONNELL CONSTRUCTION COMPANY, INC. (Corrigan)

Approve as Amended, BJW/JH

- Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION REQUESTING AN AMENDMENT TO AN ORDER SETTING RETAIL WATER RATES FOR CARRINGTON ASSOCIATES, INC., DBA ELDORADO WATER COMPANY (MATAGORDA COUNTY) AND PIONEER VALLEY WATER COMPANY (COOKE COUNTY). (Corrigan)

Approve Staff Recommendation, BJW/JH

- Item 7. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S MOTION REQUESTING THE SETTING OF INTERIM RATES IN THE APPLICATION OF PAUL AND RACHEL REESE DBA PERARE WATER SYSTEMS FOR A RATE INCREASE IN DENTON AND COOKE COUNTIES - DOCKET NO. 9107-R. (Smith, D.)

Approve Staff Recommendation, BJW/JH

Item 8. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF GLENLAKE SUPPLY CORPORATION FOR A TRANSFER OF CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 12112 AND REPORT OF SALE AND (APP. TO TRANSFER CCN) to provide water service in Travis County, Texas; Docket No. 8957-S. Recommendation: Issuance. (Colbert)

Approve Examiner's Recommendation, BJW/JH

Item 9. APPLICATION NO. TA-6616 BY B & S GATOR FARM, INC. FOR A TEMPORARY WATER USE PERMIT PURSUANT TO TEXAS WATER CODE SECTION 11.138. FOR COMMISSION ACTION. Applicant seeks to divert and use 160 acre-feet of water within a 1-year period from Elm Bayou, tributary of East Bay Bayou, tributary of East Galveston Bay, Neches-Trinity Coastal Basin, for irrigation purposes (rice farming) from Elm Bayou approximately 2 milesupstream of the FM 1941 crossing of the bayou, 15 miles east of Anahuac, Chambers County, Texas. (JORDAN/jme)

Continued to August 14 at 3:00 p.m.

Item 10. APPLICATION OF SHADY HOLLOW ESTATES WATER SUPPLY CORPORATION to recommend the Texas Water Commission to set interim rates (Application No. 9165-G, Horst)

Adopt Staff Recommendation to Set Interim Rates, BJW/JH

Item 11. 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

EMERGENCY ADDENDUM TO CONTESTED AGENDA

Wednesday, August 14, 1991

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item 12. FOR CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR AN EMERGENCY ORDER REQUIRING LEIGH METAL COATING AND MACHINERY, INC. TO UNDERTAKE CERTAIN ACTIONS AT OR NEAR ITS FACILITY IN ECTOR COUNTY. (RENBARGER).

Adopt Staff Recommendation. (Modify, Affirm or Set Aside, September 25, 1991) BJW/JH

Item 13. CONSIDERATION OF EXECUTIVE DIRECTOR'S PETITION FOR EMERGENCY ORDER ON DYNAGEN, INC., WATER QUALITY PERMIT NO. 00817-01, RELATING TO TECHNICAL REQUIREMENTS FOR SOLAR POND MANAGEMENT, STORMWATER MANAGEMENT, AND GROUNDWATER MONITORING. (SMITH, SHARON)

Approve Staff Recommendation. (Modify, Affirm or Set Aside to be considered by Commission at a later date) BJW/JH

CONTESTED OLD BUSINESS

Wednesday, August 14, 1991

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item carried forward from Agenda of June 12, 1991.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF SAFETY RAILWAY SERVICE COMPANY, SWR NO. 31767, US EPA I.D. NO. TXDO63071393. (Alvarado)

Cont. to October 30, 1991 at 9:00 a.m.

Item carried forward from Agenda of July 3, 1991.

- Item 2. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE PETITION OF DOW CHEMICAL CO., ET AL AGAINST BRAZOS RIVER AUTHORITY WHOLESALE WATER RATES IN VARIOUS COUNTY, TEXAS; DOCKET NO. 8169-M. Applicant provides retail wholesale water service to approximately 100 customers. Recommendation: Adoption of agreement of parties.

Cont. to September 11, 1991 at 9:00 a.m.

Item carried forward from Agenda of March 20 and July 3, 1991.

- Item 3. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TWC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF DIXIE METALS COMPANY - SWR 30136. (RENBARGER)

Cont. to October 16, 1991 at 9:00 a.m.

ADDENDUM TO CONTESTED OLD BUSINESS

Wednesday, August 14, 1991

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item carried forward from agenda of July 24, 1991 and July 31, 1991.

- Item 4. COMMISSION CONSIDERATION OF VARIOUS ASPECTS OF C.S.S.B. 1099 (ACT OF THE 72nd LEGISLATURE RELATING TO THE PERMITTING OF SOLID AND HAZARDOUS WASTE FACILITIES); SPECIFICALLY, CONSIDERATION OF INTERIM PROCEDURES FOR THE PROCESSING OF SOLID AND HAZARDOUS WASTE PERMIT APPLICATIONS PENDING DEVELOPMENT OF THE REGULATIONS AND NEEDS ASSESSMENT REQUIRED BY THE ACT.

Approve staff recommendations, with instructions to staff. BJW/JH

Item carried forward from Agenda of June 24, July 17, July 24, and July 31, 1991.

- Item 5. COMMISSION CONSIDERATION OF DIAZINON IMPACTS AND BIOMONITORING ISSUES AFFECTING TEXAS MUNICIPALITIES. (Randy Palachek)

Approve Resolution, BJW/JH

Item carried forward from Agenda of June 12, and July 10, 1991, July 31, 1991.

- Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF EXCEL CORPORATION; PERMIT NO. 01463. (Corrigan).

Issue Agreed Order, JH/BJW

UNCONTESTED AGENDA

Wednesday, August 14, 1991

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item 1. Employee Of The Month.

Mary Ambrose

Item 2. APPLICATION BY TEXAS EASTMAN COMPANY FOR A Class 3 Modification of Permit No. HW50043 in accordance with 31 TAC, Section 305.69. The industrial hazardous waste management unit is located off of Estes Parkway (State Highway 149) at the end of Kodak Blvd. near Longview, in Harrison County, Texas.

Approved, Contingent upon the company having all Federal Approval,  
JH/BJW

Item 3. APPLICATION BY THE CITY OF SLATON for a minor amendment to Permit No. 10284-01 in order to correctly describe the irrigation disposal area. The permit currently authorizes the disposal of treated domestic effluent by irrigation on 280 acres of agricultural land and 40 acres of golf course. The disposal volume is not to exceed an average of 910,000 gallons per day. The proposed permit will authorize the disposal of treated domestic effluent by irrigation on 192 acres of agricultural land and 50 acres of golf course. Application rates for the irrigated land are not to exceed 4.8 acre-feet/acre/year. The plant site is approximately 1.1 miles northeast of the intersection of State Highway-Loop 251 and Farm-to-Market Road 41, 0.9 mile north-northeast of the intersection of Division Street and Golf Course Road in Lubbock County, Texas.

Approved, JH/BJW

Item 4. APPLICATION BY AIR PRODUCTS MANUFACTURING CORPORATION for an amendment to Permit No. 02382 to authorize a discharge of stormwater runoff from plant areas which were undeveloped and not authorized in the existing permit and to relocate the monitoring point for Outfall 002. The permit currently authorizes intermittent, flow variable discharges of stormwater runoff from Area I only. The proposed amendment authorizes intermittent, flow variable discharges of stormwater runoff from Areas I, II, and III via Outfalls 001 and 002. The applicant operates a plant which manufactures dinitrotoluene, toluene, diamine and nitric acid. The plant site is at 1423 State Highway 225, northeast of Red Bluff Road in the City of Pasadena, Harris County, Texas.

Approved, JH/BJW

Item 5. APPLICATION BY DALE VAN ES, DALE VAN ES DAIRY for an amendment to Permit No. 03194 in order to increase the number of head at the dairy from a maximum of 975 head in confinement to a maximum of 1400 head in confinement. The dairy is on the north side of an unnamed county road, approximately 3 miles north of the intersection of Farm-to-Market Road 67 and Farm-to-Market Road 171 in Hill County, Texas.

Approved, JH/BJW

Item 6. APPLICATION BY THE CITY OF WELLS for an amendment to Permit No. 11196-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 84,000 gallons per day to a volume not to exceed an average flow of 200,000 gallons per day. The plant site is approximately 900 feet north of U.S. Highway 69 on the west side of Red Bayou, just east of the City of Wells in Cherokee County, Texas.

Approved, JH/BJW

Item 7. APPLICATION BY ANDERSON MILL MUNICIPAL UTILITY DISTRICT for renewal of Permit No. 11459-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,300,000 gallons per day. The wastewater treatment facilities are approximately 5,800 feet northwest of the intersection of U.S. Highway 183 and Anderson Mill Road and 1,700 feet southwest of the intersection of U.S. Highway 183 and Farm-to-Market 620 in Williamson County, Texas.

Approved, JH/BJW

Item 8. APPLICATION BY THE CITY OF CHICO for renewal of Permit No. 10023-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 76,000 gallons per day. The wastewater treatment facilities are approximately 1.0 mile east of the City of Chico and 0.25 mile south of Farm to Market Road 1810 in Wise County, Texas.

Approved, JH/BJW

Item 9. APPLICATION BY CONOCO, INC. for renewal of Permit No. 02741 which authorizes intermittent discharges of stormwater runoff via Outfalls 001, 002 and 003. The permit also authorizes disposal of treated effluent from the uranium tailings pond via Outfall 004 by evaporation and/or by irrigation on 350 acres of company-owned land. The disposal volume for Outfall 004 is not to exceed 300,000 gallons during any 24-hour period. The applicant operates the Conquista Project, an inactive uranium mill. The project is adjacent to and on the south side of FM Road 791, approximately eight miles west of the City of Falls City, Karnes, County, Texas.

Approved, JH/BJW

Item 10. APPLICATION BY THE CITY OF GRAPELAND for renewal of Permit No. 10181-02 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 200,000 gallons per day from Plant No. 2 Wastewater Treatment Facilities. The plant is located east of U.S. Highway 287, approximately 1000 feet north of the intersection of U.S. Highway 287 and Farm-to-Market Road 2423 in Houston County, Texas.

Approved, JH/BJW

Item 11. APPLICATION BY F.H. HAWKINS, INC. for renewal of Permit No. 02708 which authorizes a discharge of treated wastewater at a volume not to exceed an average flow of 30,000 gallons per day from a metal finishing facility. The plant is located at 5821 Teague Road in the City of Houston, Harris County, Texas.

Approved, JH/BJW

Item 12. APPLICATION BY OWENS-CORNING FIBERGLAS CORPORATION for renewal of Permit No. 01178 which authorizes a discharge of stormwater runoff commingled with cooling tower and boiler blowdown effluent from a fiberglass wool insulation products manufacturing plant. The plant site is at 3700 Interstate Highway 35 adjacent to Interstate Highway 35 East, four miles northeast of the City of Waxahachie, Ellis County, Texas.

Approved, JH/BJW

Item 13. APPLICATION BY PEEK ROAD UTILITIES, INC. for renewal of Permit No. 13171-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 150,000 gallons per day. The wastewater treatment facilities are approximately 0.7 mile west of the intersection of Farm to Market Roads 518 and 1128; approximately 3.5 miles west-southwest of the intersection of State Highway 35 and Farm to Market Road 518 in Brazoria County, Texas.

Approved, JH/BJW

Item 14. APPLICATION BY SUETRAK USA CO., INC. for renewal of Permit No. 13069-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 300,000 gallons per day from the Oak Creek Park Wastewater Treatment Facilities. The plant site is approximately 1.0 mile west and 0.8 mile north of the intersection of State Highway 114 and Farm-to-Market Road 156 in Denton County, Texas.

Approved, JH/BJW

Item 15. APPLICATION BY THE CITY OF VAN ALSTYNE for renewal of Permit No. 10502-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 210,000 gallons per day. The wastewater treatment facilities are approximately 2 miles east of the intersection of State Highway 5 and Farm-to-Market Road 121 and approximately 1/4 mile south of the Farm-to-Market Road 121 on an unnamed rock road in Grayson County, Texas.

Approved, JH/BJW

Item 16. APPLICATION BY THE VILLAGE OF JAMAICA BEACH for renewal of



Permit No. 11033-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 180,000 gallons per day. The wastewater treatment facilities are approximately 600 feet east of Bob Smith Drive on Marina Drive within the boundaries of the Village of Jamaica Beach in Galveston County, Texas.

Approved, JH/BJW

Item 17. APPLICATION BY TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 19 FOR APPROVAL OF AN EXTENSION OF TIME; \$6,000,000 BOND ISSUE APPROVED June 16, 1988. For Commission consideration and action. Applicant requests the approval of an extension of time in which to sell the previously approved \$6,000,000 bond issue.

Cont. to September 25, 1991 at 3:00 p.m.

Item 18. APPLICATION BY NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 22 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$2,410,000 BOND ISSUE APPROVED July 20, 1984. For Commission consideration and action. Applicant requests approval of the transfer of an estimated \$82,224 in construction fund interest earnings to its debt service fund.

Approved, JH/BJW

Item 19. APPLICATION BY NORTHWEST TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 2 FOR APPROVAL TO USE SURPLUS FUNDS; \$1,315,000 BOND ISSUE APPROVED January 4, 1985. For Commission consideration and action. Applicant seeks approval to use \$170,000 in surplus funds to finance the costs to relocate a section of the District's 12-inch water line along Pickfair Drive and clean-out of the District's shared effluent holding pond No. 3.

Approved, JH/BJW

Item 20. APPLICATION BY CYPRESSWOOD UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL TO USE SURPLUS FUNDS; \$600,000 BOND ISSUE APPROVED November 8, 1985. For Commission consideration and action. Applicant requests approval to use \$131,960 in surplus funds to finance shared costs for water supply facilities, water line relocation, and lift station repairs and additions.

Approved, JH/BJW

Item 21. APPLICATION BY ELDRIDGE ROAD MUNICIPAL DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$5,050,000 BOND ISSUE APPROVED February 27, 1986. For Commission consideration and action. The District is requesting the use of \$220,000 in surplus and earned interest thereon to finance the District's pro rata share of the construction and engineering costs relative to the East Interceptor Lines project.

Approved, JH/BJW

Item 22. APPLICATION BY MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 8 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$550,000 BOND ISSUE APPROVED January 16, 1981. For Commission consideration and action. Applicant requests approval to use \$113,276 in surplus funds to finance costs associated with water,

wastewater, and drainage facilities to serve The Estates of Walden (86 ESFC).

Approved, JH/BJW

Item 23. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF JACK W. MUNSON dba WILLOW SPRINGS WATER SUPPLY TO INCREASE RETAIL WATER RATES IN CORYELL COUNTY, TEXAS. DOCKET NO. (9031-G). Applicant provides retail water service to approximately 60 customers. RECOMMENDATION: Adoption of agreement of parties. (SAHS)

Issue Agreed Order, BJW/JH

Item 24. APPLICATION OF MELTON DIMOCK DBA TIMBERCREEK VALLEY UTILITY for a Water Certificate of Convenience and Necessity in Parker County (Application No. 8580-C, Shires)

Approved, JH/BJW

Item 25. APPLICATION NO. 5361 BY H. S. SIZEMORE & SON COMPANY FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT. FOR COMMISSION ACTION. Applicant seeks to impound a maximum of not to exceed 1915 acre-feet of state water (2890 acre-feet of groundwater seepage making 4805 acre-feet of total storage) in an existing, excavated reservoir on Carreta Creek, tributary of San Fernando Creek, tributary of Baffin Bay, Nueces-Rio Grande Coastal Basin with no right of diversion for beneficial use at the applicant's clay pit, approximately 1 mile west of Bishop, Nueces County, Texas. (JORDAN/rma)

Approved, BJW/JH

Item 26. APPLICATION NO. 5360 BY RIVER OAKS RANCH DEVELOPMENT CORPORATION FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT. FOR COMMISSION ACTION. Applicant seeks to maintain an existing dam on Fitzhugh Creek, Colorado River Basin which impounds 130 acre-feet of water for recreational purposes in Hays County within the development, approximately 29 miles northwest of San Marcos, Texas. (JORDAN/lb)

Approved, BJW/JH

Item 27. APPLICATION BY DALLAS COUNTY UTILITY AND RECLAMATION DISTRICT FOR AN EXTENSION OF TIME PURSUANT TO TEXAS WATER CODE SECTION NO. 11.145. FOR COMMISSION ACTION. Applicant seeks to extend the commencement and completion dates authorized by Permit No. 4051 (A-4380) for the construction of the Hackberry Creek Lake Segment I (Reservoir No. 9 included in the permit) from the currently authorized May 14, 1991 and November 14, 1993 dates to May 14, 1995 and November 18, 1997, respectively.

Approved, BJW/JH

Item 28. APPLICATION NO. 5359 BY BENNETT PETROLEUM CORPORATION FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT APPLICATION. FOR COMMISSION ACTION. Applicant seeks to divert 100 acre-feet of water per annum from the underflow of the South Fork Double Mountain Fork Brazos River, Brazos River Basin for mining purposes (oil field repressurization and waterflood) in Garza County, 13.5 miles south of Post, Tx. (Jordan/lb)

Approved, BJW/JH

Item 29. APPLICATION NO. TA-6622 BY JAMES BROCKRIEDE FOR A TEMPORARY WATER USE PERMIT PURSUANT TO TEXAS WATER CODE 11.138. FOR COMMISSION ACTION. Applicant seeks to divert and use 40 acre-feet of water within a 6-month period from Beaver Creek, tributary of the Wichita River, tributary of the Red River, Red River Basin, for irrigation purposes (cotton farming) from Beaver Creek, approximately 1-mile upstream of the FM 2326 crossing of the creek and 21 miles west of Wichita Falls, Wichita County, Texas. (JORDAN/jme)

Approved, BJW/JH

Item 30. APPLICATION NO. 23-865C BY PUBLIC UTILITIES BOARD OF THE CITY OF BROWNSVILLE TO AMEND CERTIFICATE NO. 23-865. For Commission Action. Applicant seeks to combine 50 acre-feet of Class "B" irrigation rights owned under Certificate No. 23-142 with water rights owned under Cert. No. 23-865 and to amend Certificate No. 23-865 to change the purpose of use for the 50 acre-feet of Class "B" rights from irrigation to municipal purposes and to change the place of use and diversion point to the City of Brownsville's service area and diversion facilities in Cameron County, Texas. (JORDAN/wph).

Approved, BJW/JH

Item 31. APPLICATION NO. 14-1261A BY SUGARBERRY OIL & GAS CORPORATION TO AMEND CERTIFICATE OF ADJUDICATION NO. 14-1261. For Commission consideration and action. Applicant seeks to amend Certificate No. 14-1261, which includes authorization to divert water from Dove Creek, Colorado River Basin, at a maximum rate of 2.0 cfs (900 gpm) to irrigate land in Irion and Tom Green Counties, by increasing the maximum diversion rate from 2.0 cfs to 5.0 cfs (2250 gpm). (JORDAN/tls)

Remand to Office Hearings Examiner's

Item 32. APPLICATION BY FIRST CITY, TEXAS-TYLER, N.A., AS TRUSTEE UNDER THE WILL OF B.G. BYARS FOR BILLY G. BYARS, JR. AND EMILY BYARS TO COMMENCE AND COMPLETE MODIFICATIONS OF TIMBER LAKE DAM INCLUDED IN WATER USE PERMIT NO. 5287. For Commission consideration and action. Applicant seeks authorization to extend the date required to commence modifications of a dam in Smith County on Born Branch, Sabine River Basin, from June 18, 1991 to June 18, 1992 and to extend the date required to complete the modification from June 18, 1992 to June 18, 1993. (JORDAN/tls)

Approved, BJW/JH

Item 33. STORAGE TANK CONTRACTS SECTION REQUESTING AUTHORIZATION TO ENTER INTO A CONTRACT FOR THE INSTALLATION AND MAINTENANCE OF GRANULAR ACTIVATED CARBON (GAC) WATER FILTERS AT VARIOUS LEAKING PETROLEUM STORAGE TANK SITES. (BOHL:jameson:drissell)

Approved, BJW/JH

Item 34. CONSIDERATION OF THE ADOPTION OF AMENDMENTS TO 31 TEXAS ADMINISTRATIVE CODE CHAPTER 335, SUBCHAPTER K (REPEAL OF SECTIONS 335.341 - 335.346 AND ADOPTION OF NEW SECTIONS 335.341 - 335.352) CONCERNING THE STATE SUPERFUND PROGRAM. (Dickman)

Adopt Rules as Recommended by Staff, BJW/JH

Item 35. COMMISSION APPROVAL OF INTERAGENCY CONTRACTS.

Approved, BJW/JH

Item 36. CONSIDERATION OF ALL MOTIONS FOR REHEARING ON APPLICATION BY CAMERON COUNTY FRESH WATER SUPPLY DISTRICT NO. 1 FOR APPROVAL OF A \$3,300,000 UNLIMITED TAX AND REVENUE BONDS, to finance upgrading and improving the District's wastewater collection system, to improve and expand two wastewater treatment plants, and to construct a new wastewater treatment plant. (This matter was considered on the agenda of June 12, 1991.)

No Action Taken

Item 37. CONSIDERATION OF ALL MOTIONS FOR REHEARING ON APPLICATION BY CLIFFORD DEAL 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. (This matter was considered on the agenda of June 24, 1991.)

MRF Overruled, JH/BJW

Item 38. CONSIDERATION OF AUTHORIZING THE EXECUTIVE DIRECTOR TO INITIATE A CONTRACT WITH ROY F. WESTON, INC. FOR THE REMEDIAL DESIGN FOR THE TEXARKANA WOOD PRESERVING COMPANY SUPERFUND SITE.

Approved, BJW/JH

ADDENDUM TO UNCONTESTED AGENDA

Wednesday, August 14, 1991

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item 39. APPLICATION BY ROCKETT SPECIAL UTILITY DISTRICT OF DALLAS AND ELLIS COUNTIES FOR APPROVAL OF THE ISSUANCE OF \$680,000 IN REVENUE BONDS, 7.494% NET EFFECTIVE INTEREST RATE, SERIES 1991, SECOND ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$680,000 in revenue bonds to finance buy-in costs to allow the purchase of up to 10.0 mgd of raw surface water, via an existing Tarrant County WCID No. 1 transmission main, at some time in the future.

Approved, BJW/JH

Item 40. APPLICATION BY TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1 OF DENTON AND TARRANT COUNTIES FOR APPROVAL OF BOND ISSUE AMENDMENT. For Commission consideration and action. Applicant seeks approval of an amendment to the \$4,350,000 Bond Issue approved October 17, 1990, to provide for purchase of additional wastewater treatment plant capacity.

Approved, BJW/JH

Item 41. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 149 FOR APPROVAL OF THE USE OF SURPLUS FUNDS AND THE RELEASE OF ESCROWED FUNDS; \$3,120,000 BOND ISSUE APPROVED MAY 27, 1981. For Commission consideration and action. Applicant requests approval of the release of \$59,043 of escrowed funds, and approval to use \$151,539 in surplus funds to finance the reimbursement to one of four developers who prefunded the costs of construction of the expansion to the District's water plant.

Approved, BJW/JH

Item 42. APPLICATION BY TARRANT COUNTY FRESH WATER SUPPLY DISTRICT NO. 1 FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS, \$3,230,000 BOND ISSUE APPROVED May 1, 1989. For Commission consideration and action. Applicant requests approval of the release of \$61,900 of escrowed funds for costs to construct a water line.

Approved, BJW/JH

SECOND ADDENDUM TO UNCONTESTED AGENDA

Wednesday, August 14, 1991

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item 43. CONSIDERATION OF AUTHORIZATION OF THE EXECUTIVE DIRECTOR TO SIGN VARIOUS CONTRACTS RELATING TO INVESTIGATION AND RESEARCH FOR THE GALVESTON BAY NATIONAL ESTUARY PROGRAM. (Mehta)

Approved, BJW/JH

THIRD ADDENDUM TO UNCONTESTED AGENDA

Wednesday, August 14, 1991

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item 44. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF HARRIS COUNTY MUD #157 FOR APPROVAL TO LEVY STANDBY FEES ON UNDEVELOPED PROPERTIES IN HARRIS COUNTY, TEXAS. Recommendation: Adoption of agreement of parties. (Sullivan)

Issue Order as Proposed, BJW/JH

FOURTH ADDENDUM TO UNCONTESTED AGENDA

Wednesday, August 14, 1991

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item carried forward from August 14, 1991 at 9:00 a.m.

- Item 45. APPLICATION NO. TA-6616 BY B & S GATOR FARM, INC. FOR A TEMPORARY WATER USE PERMIT PURSUANT TO TEXAS WATER CODE SECTION 11.138. FOR COMMISSION ACTION. Applicant seeks to divert and use 160 acre-feet of water within a 1-year period from Elm Bayou, tributary of East Bay Bayou, tributary of East Galveston Bay, Neches-Trinity Coastal Basin, for irrigation purposes (rice farming) from Elm Bayou approximately 2 milesupstream of the FM 1941 crossing of the bayou, 15 miles east of Anahuac, Chambers County, Texas. (JORDAN/jme)

Remand to Office Hearings Examiner's, to be held in Room 543, August 14, 1991.



UNCONTESTED OLD BUSINESS

Wednesday, August 14, 1991

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item carried forward from Agenda of July 3, 1991.

- Item 1. APPLICATION BY NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 22 FOR APPROVAL OF THE LEVY OF A STANDBY FEE; For Commission consideration and action. Applicant seeks approval for the levy of a nonuniform quarterly standby fee that varies from \$5.40/ESFC to \$30/ESFC against undeveloped land in the District to supplement the debt service account.

Dismiss Application w/o prejudice, BJW/JH

ADDENDUM TO UNCONTESTED OLD BUSINESS

Wednesday, August 14, 1991

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item carried forward from Agenda of July 31, 1991.

- Item 2. APPLICATION BY URI, INC. for a second production area authorization at its Rosita Mine Site under Permit No. UR02880-021. The proposed production area authorization will have a mine area of 405.35 acres and a total production area of approximately 37 acres. The production zone for this site is in the lower Goliad Formation at a depth interval ranging from 100 to 300 feet below land surface. A mining and restoration schedule is included in the proposed authorization. The Rosita Project is located approximately 11 miles northwest of the City of San Diego, off State Highway 44 in northern Duval County, Texas.

Approved, BJW/JH

Item carried forward from Agenda of July 31, 1991.

- Item 3. APPLICATION BY RACETRAC PETROLEUM, INC. for a permit (Proposed Permit No. 03281) to authorize a discharge of treated stormwater at a volume variable with rainfall. The applicant operates a gasoline and diesel fuel station and convenience store. The plant site is at 8445 South Lancaster Road in the City of Dallas, Dallas County, Texas.

Approved, BJW/JH

Item carried forward from Agenda of July 31, 1991.

- Item 4. APPLICATION BY EL PASO COUNTY WATER AUTHORITY for a minor amendment to Permit No. 10795-01 which requires the utilization of effluent of 100 mg/l biochemical oxygen demand and total suspended solids when irrigating. The existing permit authorizes a discharge and the disposal by irrigation of treated domestic wastewater at a volume not to exceed an average flow of 500,000 gallons per day. The wastewater treatment facilities are adjacent to the Horizon City Golf Club, approximately 1 mile west of Horizon City and 1 mile east of Interstate Highways 10 on the north side of Farm to Market Road 1287 in El Paso County, Texas.

Cont. to September 11, at 3:00 p.m.

Item carried forward from Agenda of July 24, 1991 and July 31, 1991.

- Item 5. APPLICATION BY TOTAL MINERALS CORPORATION for an amendment to Permit No. URO2463-01 to expand the permit area of the West Cole Mining Project from 547.7 acres to 1281.9 acres. The

existing mining operation is located approximately 1.5 miles north of Bruni, Webb County, Texas. An amendment to the aquifer exemption is also requested. The current aquifer exemption covers 547.7 acres in the Catahoula formation, ranging in depth from 335 to 610 feet above mean sea level. The amendment would add 734.2 acres to the east side of the current aquifer exemption and shall be in two levels.

Approved, BJW/JH

Item carried forward from Agenda of July 24, 1991 and July 31, 1991.

Item 6. APPLICATION BY THE CITY OF HOUSTON, Department of Public Works 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 applicant operates the Fresh Water Supply District No. 23 wastewater treatment facilities. The plant site is at 8219 Kellet Street in the City of Houston in Harris County, Texas.

Issue as Proposed, BJW/JH