

CONTESTED AGENDA

Wednesday, September 11, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

- Item 1. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF CITY OF GEORGETOWN FOR AN AMENDMENT TO PERMIT NO. 10489-03 to authorize the discharge of 2.5 mgd of treated domestic wastewater effluent in Williamson County, Texas, and Segment No. 1248 of the Brazos River Basin. Recommendation: Issuance of permit. (Parker)

Continued to October 23, 1991 at 9:00 a.m.

- Item 2. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF LARRY J. LANGBEIN FOR WATER USE PERMIT NO. 5321 in Kendall County, Texas, not to exceed 150 acre-feet of water per annum from the East Sister Creek in Guadalupe River Basin, for irrigation purposes. Recommendation: Issuance of authorization. (O'Neal)

Adopt Examiner's Proposal and Issue Permit, BJW/JH

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF T.M. HILL DBA WATER VALLEY WATER COOP; CASE NO 9077-E. (SMITH, S)

Approve Staff Recommendation, BJW/JH

- Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PROPOSED ORDER AUTHORIZING THE CITY OF GODLEY TO COMMENCE CONSTRUCTION OF A WASTEWATER DISPOSAL FACILITY. (CORRIGAN, W)

Approve Staff Recommendation, BJW/JH

- Item 5. CONSIDERATION OF A REQUEST BY ACIENDA TRUCK WASH FOR AUTHORIZATION TO COMMENCE CONSTRUCTION OF A WASTEWATER DISPOSAL FACILITY AND THE EXECUTIVE DIRECTOR'S PROPOSED ORDER. (CORRIGAN, W)

Approve Staff Recommendation, BJW/JH

- Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF JOHNNY MALLORY DBA DOGWOOD ESTATES WATER SYSTEM. (KEILS, K)

Issue Proposed Order, BJW/JH

- Item 7. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF SAFETY-KLEEN CORPORATION, SWR NO. 63019. (Hahn)

Issue Agreed Order, BJW/JH

- Item 8. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION CONCERNING VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE BY BUSH & BAILEY OIL

COMPANY, PERMIT NO. 11578-001. (Martinez)

Issue Agreed Order, BJW/JH

Item 9. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF MONARCH ROD SERVICE, SWR NO. 39986. (Hall)

Continued to October 23, 1991 at 9:00 a.m.

Item 10. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF TRIFINERY. SWR NO. 34703 (RENBARGER)

Continued to October 23, 1991 at 9:00 a.m.

Item 11. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ATOCHEM NORTH AMERICA, INC., SWR NO. 30663, HW PERMIT NO. 50222. (Hahn)

Continued to December 11, 1991 at 9:00 a.m.

Item 12. CONSIDERATION OF THE NOTICE OF THE EXECUTIVE DIRECTOR'S REVISED PRELIMINARY REPORT AND SUPPLEMENTAL PETITION FOR A TEXAS WATER COMMISSION ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF GAF CHEMICAL CORPORATION, INTERNATIONAL SPECIALTY PRODUCTS, INC., AND ISP TECHNOLOGIES, INC. (Gonzalez-Gromatzky)

Remand to Office Hearings Examiner, BJW/JH

Item 13. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION TO AMEND PERMIT NO. 3914 OF THE SAN ANTONIO CITY WATER WORKS BOARD OF TRUSTREES. (Jordan)

Continued to October 23, 1991 at 9:00 a.m.

Item 14. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION TO AMEND CERTIFICATE OF ADJUDICATION NOS. 19-2161A AND 19-2162, HELD BY THE SAN ANTONIO CITY PUBLIC SERVICES BOARD. (Jordan)

Continued to October 23, 1991 at 9:00 a.m.

Item 15. 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

ADDENDUM TO CONTESTED AGENDA

Wednesday, September 11, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

- Item 16. EXECUTIVE DIRECTOR'S BRIEFING CONCERNING THE OPERATIONS OF LIVING WATERS ARTESIAN SPRINGS CATFISH FARM, BEXAR COUNTY, TEXAS. The Commission will receive a briefing from agency personnel assigned to the Water Well Drillers Board Assistance Unit, the Water Quality Division, and the Legal Division regarding; the utilization of artesian well water and the discharge of processed wastewater into the Medina River by the Living Waters Artesian Springs Catfish Farm; the ramifications of Senate Bill 19 with respect to the drilling of artesian wells and the use of artesian well water; and potential causes of action with respect to operations of this nature.

Briefing Received

EMERGENCY ADDENDUM TO CONTESTED AGENDA

Wednesday, September 11, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 17. CONSIDERATION IN THE MATTER OF THE EXECUTIVE DIRECTOR'S
REQUEST FOR AN EMERGENCY ORDER TO ADDRESS LEAD CONTAMINATION
AT CERTAIN SITES LOCATED IN DALLAS, TEXAS. (RENBARGER)

Approve Staff Recommendation Modify, Affirm, Set Aside date to be
considered on Oct 23, 1991 JH/BJW

(Emergency is needed due to unforeseeable circumstances.)

DOCKET

Wednesday, September 11, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

- Item 1. MODIFY, AFFIRM OR SET ASIDE EMERGENCY ORDER ON DYNAGEN, INC., WATER QUALITY PERMIT NO. 00817-01, RELATING TO TECHNICAL REQUIREMENTS FOR SOLAR POND MANAGEMENT, STORMWATER MANAGEMENT, AND GROUNDWATER MONITORING. (This item was considered on August 14, 1991.) (SMITH, SHARON)

Cont. to September 25, at 9:00 a.m.

CONTESTED OLD BUSINESS

Wednesday, September 11, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of January 23, 1991, April 10, 1991, May 15, 1991 and 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 GAF CHEMICALS CORPORATION. (Gonzalez)

Considered with Item #12 on Contested Agenda, Remand to Office Hearings Examiner

Item carried forward from Agenda of June 24, 1991.

- Item 2. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF EGA, INC. FOR PERMIT NO. 13535 TO AUTHORIZE THE DISCHARGE OF 0.5 MGD OF TREATED DOMESTIC WASTEWATER EFFLUENT IN PARKER, COUNTY, TEXAS, AND SEGMENT NO. 0831 OF THE TRINITY RIVER BASIN. RECOMMENDATION: DISMISSAL OF APPLICATION AT REQUEST OF APPLICANT. (SULLIVAN).

Dismiss Application with prejudice, Order to be prepared and submitted with Commissioner Wynne's Recommendation on September 18, at 3:00 p.m.

Item carried forward from Agenda of June 24, 1991.

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TEXAS WATER COMMISSION ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF TINSE CHEMICAL COMPANY, INC.; SWR NO. 38465 (SMITH, ROBIN)

Continued to November 13, 1991 at 9:00 a.m.

Item carried forward from Agenda of May 15, and July 3, 1991.

- Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AGAINST TEXAS PROCESSING, INC., DOUGLAS HOSKINS, AND REQUIRING CERTAIN ACTIONS OF TEXAS PROCESSING, INC., AND DOUGLAS HOSKINS, OXY PETROCHEMICALS, INC. AND HOWARD DUNN. (SWR 39877) KARNES COUNTY (GONZALEZ).

Continued to September 25 at 9:00 a.m.

Item carried forward from Agenda of July 10, 1991.

- Item 5. APPLICATION NO. 5358 BY ALAMO CONSERVATION AND REUSE DISTRICT FOR A PERMIT TO AUTHORIZE DIVERSION AND RE-USE OF TREATED WASTEWATER. For Commission consideration and action. Applicant seeks authorization to install diversion facilities in Bexar County on Leon Creek, San Antonio River Basin, and

divert and use from the creek an amount of water equal to that amount of treated wastewater discharged at the Leon Creek Wastewater Treatment Plant into Comanche Creek, tributary of Leon Creek, approximately 2800 feet upstream. (JORDAN;tls)

Remand to Office Hearings Examiner

Item carried forward from Agenda of July 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 HCH UTILITY COMPANY, INC., PERMIT NO. 11974-001. (Ligarde)

Issue Agreed Order, JH/BJW

Item carried forward from the Agenda of March 6, 1991 and April 10, 1991 and May 1, 1991, July 24, 1991.

Item 7. 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

Approved Staff Recommendation to Dismiss, BJW/JH

Item carried forward from Agenda of July 10, 1991 and July 24, 1991.

Item 8. APPLICATION BY TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 17 FOR APPROVAL OF AN IMPACT FEE; For Commission consideration and action. Applicant seeks approval for the levy of an impact fee in the amount of \$2,900 per equivalent single family connection for out-of-district water service and \$1,450 per equivalent single family connection for in-district water service, within the District's service area.

Remand to Office Hearings Examiner subject to Commissioner Wynne's request.

Item carried forward from Agenda of July 31, 1991.

Item 9. CONSIDERATION OF THE APPEAL OF MEINE HUISMAN DAIRY OF STIPULATED PENALTIES ASSESSED PURSUANT TO AN ENFORCEMENT ORDER ISSUED SEPTEMBER 6, 1990. (Ligarde)

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

Item carried forward from Agenda of February 13, May 15, and June 24, 1991, July 31, 1991.

Item 10. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF APPLIED COATING SERVICES, INC., SWR NO. 39463. (Montelongo)

Remand to Office Hearings Examiner

Item carried forward from Agenda of May 15, and June 24, 1991,

July 31, 1991.

- Item 11. CONSIDERATION OF THE MATTER OF RECENT BACTERIOLOGICAL CONTAMINATION OF BARTON CREEK AND BARTON SPRINGS POOL WITHIN THE CITY OF AUSTIN, TEXAS. (Wynne).

Approve Staff Recommendations, JH/BJW

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

- Item 12. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF NORTHEAST UTILITIES, INC., AND BLUEBONNET SAVINGS BANK FSB, PERMIT NO. 12733-01. (Smith, J.)

Issue Proposed Order, BJW/JH

Item carried forward from Agenda of July 10, 1991 and July 24, 1991, July 31, 1991.

- Item 13. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF E & L LUMBER COMPANY, PROPOSED PERMIT NO. 03285. (Smith, S.)

Remand to Office Hearings Examiner

Item carried forward from Agenda of July 3, 1991 and August 14, 1991.

- Item 14. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE PETITION OF DOW CHEMICAL CO., ET AL AGAINST BRAZOS RIVER AUTHORITY WHOLESAL 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.

Continued to September 18 at 9:00 a.m.

CONTESTED AGENDA

Wednesday, September 11, 1991

TEXAS WATER COMMISSION

2:00 p.m.
Room 118

Item carried forward from Agenda of May 29, 1991.

- 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).

Adopt Resolution, and send to City, Item to be brought back on agenda November 20, 1991 at 9:00 a.m. BJW/JH

UNCONTESTED AGENDA

Wednesday, September 11, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 1. Employee Of The Month.

Randy Wilburn

Item 2. APPLICATION BY FAIRWAY PARK ON 7 UTILITY, INC. for a permit (Proposed Permit No. 13565-01) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 14,000 gallons per day. The applicant will operate the Fairway Park Wastewater Treatment Facilities which will serve a residential housing development. The plant site is to be approximately 6.3 miles west of the Taylor Bayou Bridge on State Highway 73 and 1.5 miles north of the intersection of State Highway 73 and Country Club Road in Jefferson County, Texas.

Approved, JH/BJW

Item 3. APPLICATION BY MAXIM PRODUCTION CO., INC. for a permit (Proposed Permit No. 03357) to authorize disposal of wastes and wastewater from a poultry operation which consists of a maximum 268,000 chickens in confinement. The poultry operation is on the north side of the intersection of Farm-to-Market Road 442 and Farm-to-Market 1096 in Wharton County, Texas.

Approved, JH/BJW

Item 4. APPLICATION BY CALSARO CORPORATION for a permit (Proposed Permit No. 13562-01) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 200,000 gallons per day. The proposed Wimbledon Champions Wastewater Treatment Facilities will serve a private subdivision and commercial area. The plant site is to be approximately 1.3 miles south of Louetta Road and 0.67 mile east of Veterans Memorial Drive along Cypress Creek in Harris County, Texas.

Approved, JH/BJW

Item 5. APPLICATION BY GULF STATES UTILITIES COMPANY for a permit (Proposed Permit No. 03365) to authorize a discharge of treated wastewaters at a volume not to exceed 40,000 gallons during any 24-hour period. The applicant proposes to undertake implementation of Phase I Remedial Action for the Industrial Transformer Superfund Site. The plant site is at 2031 Mansard Street in the City of Houston, Harris County, Texas.

Approved, JH/BJW

Item 6. APPLICATION BY JESSE W. HOWELL, HOWELL CATTLE COMPANY for a permit (Proposed Permit No. 03330) to authorize disposal of wastes and wastewater from a feedlot which consists of a maximum of 10,000 head in confinement. The feedlot is located

on the east side of County Road 417, approximately one half mile southeast of the intersection of Highway 716 and County Road 417 in Jim Wells County, Texas.

Approved, JH/BJW

Item 7. APPLICATION BY PORT OF HOUSTON AUTHORITY for a permit (Proposed Permit No. 03373) to authorize a discharge of area washwater and stormwater at a volume variable with rainfall. The applicant proposes to operate the Port of Houston Bulk Materials Handling Plant. The plant site is at 3100 Penn City Road in the City of Houston, Harris County, Texas.

Approved, JH/BJW

Item 8. APPLICATION BY JACK TRAYLOR for a permit (Proposed Permit No. 03222) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 1500 head in confinement. The dairy is located approximately 3 miles southwest of the intersection of U.S. Highway 67 and State Highway 77, 4 miles north of the Village of Rocky Branch in Morris County, Texas.

Approved, JH/BJW

Item 9. APPLICATION BY PIETER VANDERLAAN DBA VANDERLAAN DAIRY for a permit (Proposed Permit No. 03350) to authorize disposal of waste and wastewater from a dairy which will consist of a maximum of 425 head in Phase I and a maximum of 850 head in Phase 2. The dairy is located on the east side of Farm-to-Market Road 219 at the intersection of Farm-to-Market Road 219 and Gibson Road in Erath County, Texas.

Approved, JH/BJW

Item 10. APPLICATION BY THE CITY OF BOYD for an amendment to Permit No. 10131-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 70,000 gallons per day to a volume not to exceed an average flow of 120,000 gallons per day. The wastewater treatment facilities are on the north side of State Highway 114, approximately 1,000 feet east-northeast of the intersection of Farm-to-Market Road 730 and State Highway 114 in Wise County, Texas.

Approved, JH/BJW

Item 11. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 157 for an amendment to Permit No. 11906-01 in order to delay the requirement for dechlorinating the chlorinated effluent until January 1, 1992. The proposed amendment would also decrease the volume of treated domestic wastewater effluent from a volume not to exceed an average flow of 2,800,000 gallons per day to a volume not to exceed an average flow of 1,500,000 gallons per day. The wastewater treatment facilities are at 19355 Aspen Trail on the northern bank of Dinner Creek and approximately 2,000 feet south of Farm-to-Market Road 529 (Freeman Road) in Harris County, Texas.

Approved, JH/BJW

Item 12. APPLICATION BY INTERCONTINENTAL ENERGY CORPORATION for an amendment to Permit No. 02788 to authorize an increase in the disposal volume of restoration waters from a volume not to

exceed 360,000 gallons per day average to a volume not to exceed 636,735 gallons per day average. The proposed amendment would also increase the acreage used for irrigation from 58.8 acres to 100 acres. The plant site is located approximately 2.4 miles east northeast (via State Highway 798) of the Community of Pawnee, Bee County, Texas. The irrigated land is approximately 1000 feet northwest of the mine site.

Approved, JH/BJW

Item 13. APPLICATION BY KELLER INDUSTRIES, INC. for an amendment to Permit No. 02633 which currently authorizes a discharge of treated processed wastewater at a volume not to exceed 1,800 gallons per day average. The proposed amendment would: (1) authorize a discharge of stormwater runoff at a volume variable with rainfall; and (2) treated processed wastewater is being routed to the Town of Woodville wastewater treatment facilities. The applicant operates a plant which produces aluminum products. The plant site is east of U.S. Highway 69 and approximately two miles north of the Town of Woodville, Tyler County, Texas.

Approved, JH/BJW

Item 14. APPLICATION BY RODEN DAIRY, INC. for an amendment to Permit No. 03258 in order to extend the deadline for completion of the pond lining to June 30, 1992. The dairy consists of a maximum of 750 head in confinement. The dairy is adjacent to and just east of County Road No. 1006, approximately 2 miles northeast of the intersection of State Highway 171 and Farm-to-Market Road 917 in Johnson County, Texas.

Approved, JH/BJW

Item 15. APPLICATION BY THE CITY OF ANNONA for renewal of Permit No. 10863-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed 58,000 gallons per day average. The wastewater treatment facilities are located south of the City of Annona, approximately 4,400 feet south and 1,500 feet east of the intersection of U.S. Highway 82 and Farm-to-Market Road 44 in Red River County, Texas.

Approved, JH/BJW

Item 16. APPLICATION BY THE CITY OF ATLANTA for renewal of Permit No. 10338-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,100,000 gallons per day. The wastewater treatment facilities are approximately 0.25 mile east of the intersection of State Highway 77 and State Highway 43, south of the City of Atlanta in Cass County, Texas.

Approved, JH/BJW

Item 17. APPLICATION BY THE CITY OF BANDERA for renewal of Permit No. 10121-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 277,000 gallons per day. The wastewater treatment facilities are approximately 0.5 mile northeast of the intersection of State Highway 16 and Farm-to-Market 689 in the City of Bandera in Bandera County, Texas.

Approved, JH/BJW

Item 18. APPLICATION BY THE CITY OF BELLAIRE for renewal of Permit No. 10550-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 4,500,000 gallons per day. The wastewater treatment facilities are at 4401 Edith Street, approximately 1 mile northeast from the intersection of Interstate Highway 610 and Post Oak Road in Harris County, Texas.

Approved, JH/BJW

Item 19. APPLICATION BY BURLINGTON NORTHERN RAILROAD COMPANY for renewal of Permit No. 02376 which authorizes the discharge of treated wastewaters at a volume variable with rainfall from a railroad diesel locomotive fueling facility. The plant is north of S.E. 3rd Avenue, approximately 0.25 mile west of Lakeside Drive in the City of Amarillo, Potter County, Texas.

Approved, JH/BJW

Item 20. APPLICATION BY HOWARD H. CHEN, TRUSTEE for renewal of Permit No. 13104-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 250,000 gallons per day. The wastewater treatment facilities are approximately 1100 feet west-southwest of the intersection of Gulf Freeway and Scarsdale Boulevard and approximately 14 miles southeast of downtown Houston in Harris County, Texas.

Approved, JH/BJW

Item 21. APPLICATION BY CHEVRON, U.S.A., INC. for renewal of Permit No. 02818 which authorizes the disposal of restoration waters during the post mining period from its in situ uranium mine by irrigation on 90 acres of land. The disposal volume is not to exceed a daily maximum of 282,000 gallons per day or annual average volume of 3.5 acre-feet/acre/year. The plant site is adjacent to FM Road 3196 approximately 9.6 miles south of State Highway 44 and is approximately 6 miles north of the City of Benavides, Duval County, Texas.

Approved, JH/BJW

Item 22. APPLICATION BY CINCO MUNICIPAL UTILITY DISTRICT NO. 1 for renewal of Permit No. 13172-02 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed 550,000 gallons per day average from the Cinco South Wastewater Treatment Facilities which are located at 6055 South Mason Road, approximately 3 miles west and 3/4 mile north of the intersection of Farm-to-Market Roads 1093 and 1464 in Fort Bend County, Texas.

Approved, JH/BJW

Item 23. APPLICATION BY CINCO MUNICIPAL UTILITY DISTRICT NO. 1 for renewal of Permit No. 13558-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,080,000 gallons per day. The wastewater treatment facilities are approximately 3.25 miles east and 2.0 miles north of the intersection of Farm-to-Market 723 and Farm-to-Market 1093 in Fort Bend County, Texas.

Approved, JH/BJW

Item 24. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO.

67 for renewal of Permit No. 12969-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed 570,000 gallons per day average from the wastewater treatment facilities which are located approximately 2.3 miles northwest of the U.S. Highway 59 bridge on the Brazos River and 0.3 mile south of U.S. Highway 90A in Fort Bend County, Texas.

Approved, JH/BJW

Item 25. APPLICATION BY GULF MARINE FABRICATORS, INC. for renewal of Permit No. 12064-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 4,000 gallons per day. The wastewater treatment facilities are on the east side of Farm-to-Market Road 2725, approximately 1/2 mile southeast of the intersection of State Highway 361 and Farm-to-Market 2725 in San Patricio County, Texas.

Approved, JH/BJW

Item 26. APPLICATION BY GULF STATES UTILITIES COMPANY for renewal of Permit No. 00336 which authorizes a discharge of once through cooling water and previously monitored effluents at a volume not to exceed 1,306,000 gallons per day average from the Sabine Steam Electric Station. The plant is located approximately one and one-half (1 1/2) miles south of FM Road 1442, at a point approximately two and one-half (2 1/2) miles west of the FM Road 1442/State Highway 87 intersection, southwest of the City of Orange, Orange County, Texas.

Approved, JH/BJW

Item 27. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 127 for renewal of Permit No. 12209-01 which authorizes a discharge of treated domestic wastewater effluent in phases with a final volume not to exceed 1,130,000 gallons per day average from the wastewater treatment facilities which are located at 19201 Gummert Road; approximately 1.2 miles west on the intersection of Barker-Cypress Road and Gummert Road in Harris County, Texas.

Approved, JH/BJW

Item 28. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 278 for renewal of Permit No. 13037-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 400,000 gallons per day. The wastewater treatment facilities are on the east bank of Williams Gully, approximately 400 feet north of Jetero Boulevard in Harris County, Texas.

Approved, JH/BJW

Item 29. APPLICATION BY HOUSHANG SOLHJOU for renewal of Permit No. 12261-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 60,000 gallons per day. The wastewater treatment facilities are at 415 Carby approximately 2400 feet east-northeast of the intersection of Airline Drive and Carby, north of the City of Houston in Harris County, Texas.

Approved, JH/BJW

Item 30. APPLICATION BY CITY OF KENEDY for renewal of Permit No. 10746-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 600,000 gallons per day. The wastewater treatment facilities are approximately 500 feet east of Farm to Market Road 792 and 600 feet north of Main Street in the City of Kenedy in Karnes County, Texas.

Approved, JH/BJW

Item 31. APPLICATION BY TOWN OF LINDSAY for renewal of Permit No. 10923-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 66,000 gallons per day. The wastewater treatment facilities are southeast of Lindsay, approximately 600 feet east of the Farm-to-Market Road 3108 bridge over Elm Fork Trinity River in Cooke County, Texas.

Approved, JH/BJW

Item 32. APPLICATION BY LUTHERAN OUTDOORS MINISTRY OF TEXAS, INC. for renewal of Permit No. 12168-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 21,000 gallons per day from the Camp Lone Star Wastewater Treatment Facilities. The plant site is approximately 1.8 miles northeast of the intersection of Farm-to-Market Road 155 and U.S. Highway 77 in Fayette County, Texas.

Approved, JH/BJW

Item 33. APPLICATION BY THE CITY OF MERKEL for renewal of Permit No. 10786-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 450,000 gallons per day from the wastewater treatment facilities. In addition, the permit authorizes the permittee to irrigate 34 acres of agricultural land located adjacent to the treatment facility with an application rate not to exceed 3.6 acre-feet/acre/year. The plant is approximately 3200 feet north and 3500 feet east of the intersection of Interstate Highway 20 and Farm-to-Market Road 126 in Taylor County, Texas.

Approved, JH/BJW

Item 34. APPLICATION BY NALCO CHEMICAL COMPANY, P.O. Box 87, Sugar Land, Texas 77487 has applied to the Texas Water Commission for renewal of Permit No. 00726 which authorizes a discharge of stormwater runoff at a volume variable with rainfall from a specialties chemical manufacturing plant. The plant is located at 7701 U.S. Highway 90A, approximately 2,000 feet east of the intersection of U.S. Highway 90A and State Highway 6 in the City of Sugar Land, Fort Bend County, Texas.

Approved, JH/BJW

Item 35. APPLICATION BY THE CITY OF OGLESBY for renewal of Permit No. 10914-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 25,000 gallons per day. The wastewater treatment facilities are approximately 1.25 miles south of the intersection of U.S. Highway 84 and Farm-to-Market Road 1996 in Coryell County, Texas.

Approved, JH/BJW

Item 36. APPLICATION BY UTTAM PATEL for renewal of Permit No. 11286-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 25,000 gallons per day. The permittee is authorized to use treated effluent to irrigate 2 acres of land at an application rate of not to exceed 2.1 acre-feet/acre/year. The wastewater treatment facilities are approximately 1/4 miles north of the intersection of Interstate Highway 20 and State Highway 80, approximately 1 and 1/2 miles west of the intersection of Farm-to-Market Road 1392 and State Highway 80 in Kaufman County, Texas.

Approved, JH/BJW

Item 37. APPLICATION BY ROLLING FORK PUBLIC UTILITY DISTRICT for renewal of Permit No. 11188-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 490,000 gallons per day. The wastewater treatment facilities are at 8202 Letticia Street on the west bank of the Rolling Fork Creek, approximately two miles north of U. S. Highway 90 in Harris County, Texas.

Approved, JH/BJW

Item 38. APPLICATION BY THE CITY OF SHEPHERD for renewal of Permit No. 11380-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 200,000 gallons per day. The wastewater treatment facilities are approximately 1400 feet northeast of the intersection of U.S. Highway 59 and State Highway 150 in San Jacinto County, Texas.

Approved, JH/BJW

Item 39. APPLICATION BY TEXAS A & M UNIVERSITY AT GALVESTON for renewal of Permit No. 11085-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 100,000 gallons per day from the Moody College of Marine Sciences and Maritime Resources Wastewater Treatment Facilities. The plant is on Mitchell Campus on the east side of Pelican Island Boulevard near the north end of the Pelican Island Causeway in the City of Galveston in Galveston County, Texas.

Approved, JH/BJW

Item 40. APPLICATION BY TEXAS UTILITIES ELECTRIC COMPANY for renewal of Permit No. 01245 which authorizes a discharge of once through cooling water and previously monitored effluents at a volume not to exceed an average flow of 870,000,000 gallons per day from the Lake Ray Hubbard Steam Electric Station. The plant is on the west shore of Lake Ray Hubbard, approximately 1.5 miles south of Interstate Highway 30 in the City of Dallas, Dallas County, Texas.

Approved, JH/BJW

Item 41. APPLICATION BY VULCAN MATERIALS COMPANY for renewal of Permit No. 01648 which authorizes a discharge of washwater effluent at a volume not to exceed 3,600,000 gallons per day average from a limestone crushing plant. The plant is located on the southwest bank of the Brazos River at a point approximately

1.5 miles downstream of the Interstate Highway 20 bridge over the Brazos River, Parker County, Texas.

Approved, JH/BJW

Item 42. APPLICATION BY WARREN INDEPENDENT SCHOOL DISTRICT for renewal of Permit No. 11309-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed 7,500 gallons per day average from the Fred Elementary Wastewater Treatment Facilities which are located on the west side of Farm-to-Market Road 92, approximately one and one half miles north of Farm-to-Market 1943 in the community of Fred in Tyler County, Texas.

Approved, JH/BJW

Item 43. APPLICATION BY CITY OF WEIMAR for renewal of Permit No. 10311-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 300,000 gallons per day. The wastewater treatment facilities are approximately 2500 feet east of Farm-to-Market 155 between U.S. Highway 90 and Interstate Highway 10 in Colorado County, Texas.

Approved, JH/BJW

Item 44. APPLICATION BY CITY OF WICHITA FALLS for renewal of Permit No. 10509-05 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed 1,500,000 gallons per day average from the Northside Wastewater Treatment Facilities. The plant site is at the intersection of State Highway 240 and Hemme Road, north of the City of Wichita Falls in Wichita County, Texas.

Approved, JH/BJW

Item 45. APPLICATION BY FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 7 FOR APPROVAL OF THE ISSUANCE OF \$3,000,000 IN UNLIMITED TAX BONDS, 8.69% NET EFFECTIVE INTEREST RATE, SERIES 1991. For Commission consideration and action. Applicant requests approval of the issuance of \$3,000,000 in tax bonds to finance the construction of Ditches M and P.

Continued to September 18, 1991 at 3:00 p.m.

Item 46. APPLICATION BY FIRST COLONY MUNICIPAL UTILITY DISTRICT NO. 9 OF FORT BEND COUNTY FOR APPROVAL OF THE ISSUANCE OF \$2,940,000 IN UNLIMITED TAX AND REVENUE BONDS, 8.68% NET EFFECTIVE INTEREST RATE, SERIES 1991, FOURTH ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$2,940,000 in tax & revenue bonds to finance water, wastewater & drainage facilities to serve single family subdivisions and drainage facilities to serve some commercial tracts.

Approved, BJW/JH

Item 47. APPLICATION BY FIRST COLONY MUNICIPAL UTILITY DISTRICT NO. 5 OF FORT BEND COUNTY FOR APPROVAL OF A \$2,925,000 UNLIMITED TAX THIRD BOND ISSUE, 8.7% NET EFFECTIVE INTEREST RATE. For Commission consideration and action. The District's application requests Commission approval for a bond issue to finance the District's share of utility infrastructure to serve 335 equivalent single family connections, purchase

connection fees from Fort Bend County MUD No. 13, and provide drainage.

Approved, BJW/JH

Item 48. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 345 FOR APPROVAL OF \$3,150,000 OF UNLIMITED TAX BONDS, FIRST BOND ISSUE. For Commission consideration and action. The District is requesting the approval to issue \$3,150,000 in unlimited tax bonds to finance water treatment and wastewater treatment capacity and to provide water, wastewater and drainage facilities for the District.

Approved, BJW/JH

Item 49. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 67 FOR APPROVAL OF THE ISSUANCE OF \$2,000,000 IN UNLIMITED TAX BONDS, 8.69% NET EFFECTIVE INTEREST RATE, SERIES 1991, SECOND ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$2,000,000 in tax bonds to finance underground utilities & engineering to service Walker's Sta. Section 1, Robinson's Landing Section 2, & the Walker School Rd. Extension, engineering fees for Walker's Sta. Section 2, 3 yrs. lease payments for the Interim Wastewater Treatment Plant, & the District's share of the Regional WWTP.

Approved, BJW/JH

Item 50. APPLICATION BY GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 13 FOR APPROVAL OF \$5,500,000 FIRST BOND ISSUE; 8.68% NET EFFECTIVE INTEREST RATE, SERIES 1991. For Commission consideration and action. Applicant requests approval of \$5,500,000 1st Bond Issue to fund infrastructure in Brittany Bay, Sections I, II, IV & Commercial Reserves, Sections A, B, C & D, & to fund drainage ditch rectification, pro-rata share of Landing Ditch, Section One, relocation of Dow Co. pipelines & cathodic protection system, City inspection fees & City capital recovery fees.

Approved, BJW/JH

Item 51. APPLICATION BY HARRIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 70 FOR APPROVAL OF \$900,000 IN UNLIMITED TAX AND REVENUE BONDS; FOURTH ISSUE, 9.23% NET EFFECTIVE INTEREST RATE, SERIES 1991. For Commission consideration and action. Applicant requests approval of \$900,000 Fourth Bond Issue for construction of new 0.175 mgd wastewater treatment plant and associated pump stations and effluent outfall channel.

Approved, BJW/JH

Item 52. APPLICATION BY FOUNTAINHEAD MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS, \$830,000 BOND ISSUE APPROVED July 5, 1985 & APPROVAL OF A \$370,000 UNLIMITED TAX SIXTH BOND ISSUE, SERIES 1991, 8.6% NET EFFECTIVE INTEREST RATE. For Commission consideration and action. The District's application requests Commission approval of the use of \$230,836 in surplus funds and a \$370,000 unlimited tax bond to partially finance the construction of a new wastewater treatment plant to be shared with and located in Harris County Water Control and Improvement District No. 109.

Approved, BJW/JH

Item 53. APPLICATION BY ELDRIDGE ROAD MUNICIPAL UTILITY DISTRICT OF FORT BEND COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$5,050,000 BOND ISSUE APPROVED MARCH 27, 1986. For Commission consideration and action. The District is requesting the use of \$100,000 in surplus funds and earned interest thereon to finance the costs relative to the construction of a gravity wastewater line extending from Barrington Place Subdivision, Section One to the lift station owned and operated by the City of Sugar Land located on Alston Road.

Approved, BJW/JH

Item 54. APPLICATION BY FIRST COLONY MUNICIPAL UTILITY DISTRICT NO. 8 OF FORT BEND COUNTY FOR APPROVAL OF A \$2,360,000 UNLIMITED TAX THIRD BOND ISSUE, 8.69% NET EFFECTIVE INTEREST RATE. For Commission consideration and action. The District requests Commission approval for a bond issue to finance the District's share of utility infrastructure to serve 137 equivalent single family connections, purchase connection fees from Fort Bend County MUD No. 13, and provide drainage along Dulles Avenue.

Approved, BJW/JH

Item 55. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 217 FOR APPROVAL OF THE LEVY OF A STANDBY FEE; For Commission consideration and action. Applicant seeks approval for the levy of a uniform quarterly standby fee of \$27.36 per ESFC to supplement the debt service account and \$52.17 per ESFC in year 1 and \$29.28 per ESFC in years 2 & 3 to supplement the operation and maintenance account.

Approved, BJW/JH

Item 56. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 191 FOR APPROVAL OF THE LEVY OF A STANDBY FEE; For Commission consideration and action. Applicant seeks approval for the levy of a yearly standby fee of \$1,120.67/acre against undeveloped acreage within the District to supplement the debt service account.

Approved, BJW/JH

Item 57. APPLICATION BY MEADOWS AT CHANDLER CREEK MUNICIPAL UTILITY DISTRICT OF WILLIAMSON COUNTY FOR APPROVAL OF THE LEVY OF A STANDBY FEE; For Commission consideration and action. Applicant seeks approval for the levy of a uniform annual standby fee of \$27.74 per ESFC to supplement the debt service account and \$42.29 per ESFC to supplement the operation & maintenance account.

Remand to Office Hearings Examiner

Item 58. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 35 FOR APPROVAL OF A STANDBY FEE; For Commission consideration and action. Applicant seeks approval for the levy of an annual standby fee against undeveloped single family lots, commercial, and multifamily acreage in the District in the annual amount of \$538/lot for residential development to supplement the operating account.

Approved, BJW/JH

Item 59. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF KING RANCH, INC. AND FRIENDSWOOD DEVELOPMENT COMPANY FOR THE CREATION OF HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 356. RECOMMENDATION: Creation of District. (ZUKAUCKAS)

Adopt Memorandum, Issue Order, JH/BJW

Item 60. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF PAUL AND RACHEL REESE DBA PERARE WATER SYSTEMS TO INCREASE RETAIL RATES IN DENTON & COOKE COUNTIES, TEXAS. (DOCKET NO. 9107-R. Applicant provides retail water service to approximately 286 customers. Recommendation: Adoption of agreement of parties. (SAHS) Counties involved are Denton and Cooke.

Adopt Examiner's Memorandum, Issue Agreed Order, BJW/JH

Item 61. APPLICATION OF DAVID E. SHIVERS DBA SHAN-D WATER WORKS to Purchase an uncertified water system from Veda Adams in Rusk County; to obtain a Water Certificate of Convenience and Necessity in Rusk County, Texas (Application Nos. 8917-S and 8953-C, Erwin)

Approved, JH/BJW

Item 62. APPLICATION OF ORBIT SYSTEMS, INC. to Transfer Water And Sewer CCN Nos. 11146 and 20673 from Stephen L. Walters dba Demi-John Island Water System; Amend Water and Sewer CCN Nos. 11982 and 20682; Cancel Water and Sewer CCN Nos. 11146 and 20673 in Brazoria and Matagorda County, TX (Application No. 8810-S, Schaubhut)

Approved, JH/BJW

Item 63. APPLICATION OF CAMPBELLTON WATER WORKS, INC. for a Water Certificate of Convenience and Necessity in Atascosa County, Texas (Application No. 8578-C, Holck)

Approved, JH/BJW

Item 64. APPLICATION OF MOSS LAKE WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Cooke County, Texas (Application No. 8675-C, Holck)

Approved, JH/BJW

Item 65. APPLICATION OF S. A. DUFFIN DBA WEST PARK VILLAGE for a Water Certificate of Convenience and Necessity in Johnson County, Texas (Application No. 8841-C, Holck)

Approved, JH/BJW

Item 66. APPLICATION OF LAKELAND WATER SYSTEM, INC. for a Water Certificate of Convenience and Necessity in Polk County, Texas (Application No. 8862-C, Holck)

Approved, JH/BJW

Item 67. APPLICATION OF ASCENSION CAPITAL CORPORATION, GENERAL PARTNER, AND EQUAL INVESTMENT COMPANY, LIMITED PARTNER, DBA ASCENSION RESORTS,LTD. DBA BIG EDDY to Transfer Water Certificate of Convenience and Necessity (CCN) No. 11072 from Freedom Financial Corporation dba Big Eddy in Smith County

(Application No. 9062-S, Horst)

Approved, JH/BJW

Item 68. NUNC PRO TUNC ORDER for Don Bryant dba Buena Vista Water System, CCN No. 11656, in Burnet County, Texas (Docket No. 8315-G, Shires)

Continued September 25, 1991 at 3:00 p.m.

Item 69. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF PAUL H. KREBS DBA PADOK TIMBERS WATER SYSTEM AND K-LAKE WATER SYSTEM FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICE IN HARRIS COUNTY, TEXAS; DOCKET NO. 8653-C. Recommendation: Adoption of agreement of parties. (Sahs)

Issue Agreed Order, BJW/JH

Item 70. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF TEXAS OPERATING CORPORATION DBA GLENWOOD ACRES WATER SYSTEM WATER RATES IN UPSHUR COUNTY, TEXAS; DOCKET NO. 8962-G. Applicant provides retail water service to approximately 196 customers. Recommendation: Adoption of agreement of parties. (Sahs)

Issue Agreed Order, BJW/JH

Item 71. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER AND CCN CONCERNING THE APPLICATION OF PAYNE UTILITIES, INC. FOR AN AMENDMENT TO CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 11690 AND A TRANSFER OF THE AREA COVERED BY CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 12373 TO PROVIDE WATER SERVICE IN SAN JACINTO COUNTY, TEXAS. (DOCKET NO. 8944-S). RECOMMENDATION: Adoption of agreement of parties. (PARKER.)

Issue Agreed Order, BJW/JH

Item 72. CONSIDERATION OF EXAMINER'S MEMORANDUM AND PERMIT CONCERNING THE APPLICATION OF JERRY HOGAN DAIRIES FOR PERMIT NO. 03337 to authorize the disposal of waste and wastewater from a dairy operation consisting of 500 head in confinement. No discharge of pollutants into the State waters is authorized by this permit. The dairy is located in Johnson County, Texas, and Segment No. 1228 of the Brazos River Basin. Recommendation: Issuance of permit. (Parker)

Approved, JH/BJW

Item 73. CONSIDERATION OF EXAMINER'S MEMORANDUM AND PERMIT CONCERNING THE APPLICATION OF WELDON G. WADSWORTH FOR PERMIT NO. 03340 to authorize the disposal of wastes and wastewater from a dairy with a maximum of 550 head in confinement. No discharge of pollutants into State waters is authorized by the permit. The dairy is located in Johnson County, Texas, and Segment NO. 1227 of the Brazos River Basin. Recommendation: Issuance of permit. (Parker)

Approved, JH/BJW

Item 74. APPLICATION NO. 5364 BY BROTHERS CATTLE COMPANY, INC. FOR A SECTION 11.121 WATER USE PERMIT. For Commission consideration and action. Applicant seeks authorization to divert not to exceed 62.5 acre-feet of water per annum from

Jones Creek, Colorado River Basin, to a proposed 29.1 acre-foot off-channel reservoir for subsequent irrigation of 18 acres of land in Wharton County, approximately 13.5 miles west-southwest of Wharton, Texas. (JORDAN/tls).

Approved, JH/BJW

Item 75. APPLICATION OF TYLER FISH FARMS (DOCKET NO. RE-0288) FOR AN EXTENSION OF TIME TO COMPLETE CONSTRUCTION OF A PROJECT AUTHORIZED UNDER DOCKET NO-0279. For Commission consideration and action. Applicant has requested that the date for completion of construction of the project be extended to October 17, 1993. The applicant will be unable to complete the project by October 17, 1991, due to record rainfall and equipment problems. Staff recommend adoption of order approving new dates. (JORDAN)

Approved, JH/BJW

Item 76. APPLICATION NO. 5257A BY LAKESIDE COUNTRY CLUB TO AMEND PERMIT NO. 5257 FOR COMMISSION ACTION. Applicant seeks to divert an additional 160 acre-feet of water per annum from Buffalo Bayou, San Jacinto River Basin, to an unnamed tributary of Buffalo Bayou for aesthetic purposes, approximately 14 miles west of the Harris County Courthouse, Houston, Harris County, Texas. (JORDAN/rma)

Approved, JH/BJW

Item 77. APPLICATION NO. 5362 BY HARRIS COUNTY FLOOD CONTROL DISTRICT FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT. FOR COMMISSION ACTION. Applicant seeks to divert flood flows from Keegans Bayou and Brays Bayou, San Jacinto River Basin, through proposed/modified diversion channels to Sims Bayou for flood protection, approximately 11.5 miles west of the Harris County Courthouse, Houston, Harris County, Texas. (JORDAN:rma)

Remand to Office Hearings Examiner

Item 78. APPLICATION NO. 5363 BY COVE CREEK CORPORATION FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT. FOR COMMISSION ACTION. Applicant seeks to divert not to exceed 967 acre-feet of water per annum from Buffalo Bayou into Cove Creek, tributary of Buffalo Bayou, San Jacinto River Basin, to flush out sewage effluent spills and other contaminants (water quality purposes) out of Cove Creek, approximately 13.5 miles west of the Harris County Courthouse, Houston, Harris County, Texas. (JORDAN:rma)

Approved, BJW/JH

Item 79. APPLICATION NO. 4299A BY PAUL WLECZYK AND BENNY WLECZYK TO AMEND WATER USE PERMIT NO. 3995. FOR COMMISSION ACTION. Applicants seek to amend Permit No. 3995 to increase the authorized annual appropriation of water from the San Bernard River from 340 acre-feet to 1752 acre-feet, to increase the acreage to be irrigated per year from 340 acres to 750 acres out of 887.2712 acres in the Wm. Prater Survey, Abstract 120, and to increase the maximum diversion rate from 6.68 cfs (3000 gpm) to 9.6 cfs (4310 gpm), on the applicants' property approximately 27 miles northwest of Angleton, Brazoria County, Texas. (JORDAN/jme)

Approved, BJW/JH

Item 80. APPLICATION NO. 4120B BY JOHN V. MELCHER AND WIFE, NANCY THOMPSON MELCHER TO AMEND PERMIT NO. 3830, AS AMENDED. FOR COMMISSION ACTION. Applicant seeks to extend the term of the permit beyond the current expiration date of December 31, 1991, for the irrigation rights authorized on Blue Creek, Colorado River Basin, approximately 13 miles south of Wharton, Wharton County, Texas. (JORDAN/rma)

Approved, BJW/JH

Item 81. APPLICATION BY MILLSAP WATER SUPPLY CORPORATION TO EXTEND THE TIME REQUIRED TO COMMENCE AND COMPLETE MODIFICATION OF MILLSAP LAKE DAM INCLUDED IN PERMIT NO. 5164 For Commission consideration and action. Applicant seeks authorization to extend the time to commence modification of Millsap Lake Dam on Wilson Creek, Brazos River Basin, in Parker County, from July 5, 1991 to July 5, 1992 and to extend the time to complete modification from July 5, 1992 to July 5, 1993. (JORDAN;tls)

Approved, JH/BJW

Item 82. APPLICATION NO TA-6610 BY ERIC LINDER, ET. AL. FOR A TEMPORARY WATER USE PERMIT PURSUANT TO TWC SECT. 11.138. FOR COMMISSION ACTION. Applicants seek to divert and use 392 acre-feet of water within a 2-year period from the Concho River, Colorado River Basin, for irrigation purposes (golf course and initial fill of three off-channel reservoirs) from anywhere along the Concho River within a reach of the river stretching from a point bearing S 67 55' 24" E, 2.4 miles from the Tom Green County Courthouse, to a point bearing S 73 59' 58" E, 3.8 miles from the courthouse in San Angelo, Texas. (JORDAN/jme)

Remand to Office Hearings Examiner

Item 83. APPLICATION TA-6630 BY E.E. HOOD & SONS, INC. FOR A TEMPORARY WATER USE PERMIT PURSUANT TO TEXAS WATER CODE SECTION 11.138. FOR COMMISSION ACTION. Applicant seeks to divert and use 10 acre-feet of water within a 2-year period from the Colorado River, Colorado River Basin, for industrial purposes (roadway construction - FM 1929) from the Colorado River at the FM 1929 crossing of the river, approximately 28 miles southwest of Coleman, Coleman County, Texas. (JORDAN/jme)

Approved, JH/BJW

Item 84. APPLICATION NO. 23-624A BY ROGELIO HERRERA TO AMEND CERTIFICATE NO. 23-624. For Commission Action. Applicant seeks authorization to change the place of use and diversion point for 15.00 acre-feet (6 acres) of Class "B" irrigation water rights to 6.596 acres of land owned by the applicant and a 11.0037-acre tract of leased land, approximately 23 miles northwest of Rio Grande City, Starr County, Texas. (JORDAN/wph).

Approved, JH/BJW

Item 85. CONSIDERATION OF THE ADOPTION OF NEW 31 TEXAS ADMINISTRATIVE CODE, SECTION 371.15, CONCERNING THE DESIGN OF CONSTRUCTED WETLANDS FILTERS. THIS RULE WILL BE ADOPTED AS A NEW APPENDIX G IN 31 TAC, CHAPTER 317, REGARDING DESIGN CRITERIA FOR SEWERAGE SYSTEMS. (J. SMITH)

Adopt Rules as Proposed, BJW/JH

Item 86. CONSIDERATION OF AUTHORIZING THE EXECUTIVE DIRECTOR TO INITIATE A CONTRACT AMENDMENT WITH WOODWARD-CLYDE CONSULTANTS FOR THE OPERATION AND MAINTENANCE FOR THE BIO ECOLOGY SUPERFUND SITE.

Approved, JH/BJW

Item 87. AWARDING OF COURT REPORTING SERVICES CONTRACT FOR FISCAL YEAR 1992. (ARENSEN)

Approved, (Austin Court Reporters), JH/BJW

Item 88. CONSIDERATION OF EMERGENCY AMENDMENTS TO PETROLEUM STORAGE TANK RULES IN 31 TEXAS ADMINISTRATIVE CODE SECTION 334, SUBCHAPTER E, IMPLEMENTING PORTIONS OF H.B. 1214 RELATING TO REIMBURSEMENT ELIGIBILITY FOR ADJACENT LANDOWNERS AND LIMITING LIABILITY TO LENDERS, AND IMPLEMENTING ADDITIONAL AMENDMENTS ALLOWING PARTIAL REIMBURSEMENT FOR REMOVAL OF NON-LEAKING UNDERGROUND STORAGE TANKS. (Birch)

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

EMERGENCY ADDENDUM TO UNCONTESTED AGENDA

Wednesday, September 11, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 89. IN THE MATTER OF THE PETITION OF THE EXECUTIVE DIRECTOR FOR A TEXAS WATER CODE 26.0191, EMERGENCY ORDER RELATING TO ACCESS TO A CERTAIN PARCEL OF PROPERTY LOCATED IN MCALLEN, TEXAS.

No Action Taken

UNCONTESTED OLD BUSINESS

Wednesday, September 11, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item carried forward from Agenda of Agenda of May 29, 1991 and June 12, 1991.

- Item 1. 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)

Application Withdrawn

Item carried forward from Agenda of July 24, 1991.

- Item 2. APPLICATION BY SAN ANTONIO RIVER AUTHORITY for an amendment to Permit No. 10749-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 3,520,000 gallons per day to a volume not to exceed an average flow of 4,330,000 gallons per day. The plant site is at 9638 Schaefer Road in the City of Converse, approximately 1/2 mile southeast of the intersection of Farm-to-Market Roads 78 and 1516 in Bexar County, Texas.

Approved, BJW/JH

Item carried forward from Agenda of July 31, 1991 and August 14, 1991.

- Item 3. 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.

Remand to Office Hearings Examiner