

CONTESTED AGENDA

Wednesday, September 18, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

- Item 1. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE APPLICATION OF JOE CORDELL DBA LLEDROC FARM - WEST FOR PERMIT No. 03278 TO AUTHORIZE THE DISPOSAL BY IRRIGATION OF WASTE AND WASTEWATER FROM A DAIRY CONSISTING OF A MAXIMUM OF 960 HEAD IN CONFINEMENT IN ERATH COUNTY, TEXAS AND SEGMENT NO. 1226 OF THE BRAZOS RIVER BASIN. RECOMMENDATION: Issuance of permit. (ZUKAUCKAS).

Continued to October 2, 1991 at 9:00 a.m.

- Item 2. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PRELIMINARY ENFORCEMENT REPORT AND PETITION OF THE EXECUTIVE DIRECTOR OF THE TEXAS WATER COMMISSION AGAINST HAYS WASH OUT SERVICE (PERMIT NO. 00215) FOR VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE in Hale County, Texas, and Segment No. 1240 of the Brazos River Basin. Applicant also seeks \$17,900 in administrative penalties. Recommendation: Find 2 violations of Section 26.121 of the Texas Water Code and assess penalties of \$17,900. (Parker)

Continued to October 2, 1991 at 9:00 a.m.

- Item 3. CONSIDERATION OF THE PETITION BY THE ANGELINA AND NECHES RIVER AUTHORITY FOR THE ADOPTION OF A RULE WHICH WOULD REQUIRE A WATER UTILITY TO DISCONTINUE SERVICE WHEN SEWER SERVICE IS DISCONTINUED. (PETROV)

Adopt rules as recommended by staff, BJW/JH

- Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF BOB MINSHEW, DBA FRIENDSHIP ACRES WATER SYSTEM. (Ligarde)

Remand to Office Hearings Examiner

- Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF IRENE M. DIKES, PERMIT NO. 03085, FOR PAST VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE. (Martinez)

Remand to Office Hearings Examiner

- Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF EMPAK, INC.; SWR NO. 40567; WDW-157. (RENBARGER)

Remand to Office Hearings Examiner

- Item 7. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO DISCUSS PENDING OR CONTEMPLATED LITIGATION, SETTLEMENT OFFERS, AND/OR THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL OF SPECIFIC COMMISSION EMPLOYEES, as

permitted by TEX.REV.CIV.STAT.ANN. art 6252-17 Sections 2(e) and 2(g). No final action, decision or vote with regard to any matter considered in closed session shall be made in the absence of further notice issued in accordance with TEX.REV.CIV.STAT.ANN. art. 6252-17.

No Action Taken

CONTESTED OLD BUSINESS

Wednesday, September 18, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of June 24, 1991.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF CONTINENTAL BELTON COMPANY, TEMPORARY SWR NO. 39951. (Warneke)

Remand to Office Hearings Examiner

Item carried forward from Agenda of August 14, 1991.

- Item 2. 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)

Continued to September 25, 1991 at 9:00 a.m.

ADDENDUM TO CONTESTED OLD BUSINESS

September 18, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of July 3, August 14, and September 11, 1991.

- Item 3. 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.

Dismiss without prejudice, JH/BJW

UNCONTESTED AGENDA

Wednesday, September 18, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 1. APPLICATION BY BROWNING FERRIS, INC. for a minor amendment to Permit No. SW-39039 which currently authorizes a Class I non-hazardous industrial solid waste disposal and storage facility. The minor amendment will revise a construction specification that affects the earthen berm only and does not change the specification of the clay liner. The facility is located on a 161-acre tract of land adjoining Jenkins Road, approximately six miles east of Anahuac, Chambers County, Texas.

Approved, BJW/JH

Item 2. APPLICATION BY OCCIDENTAL CHEMICAL CORPORATION for a permit (Proposed Permit No. HW50322, EPA I.D. No. TXD-982286932) to authorize the use of two incinerators for processing Class I hazardous waste that is generated onsite as a result of chemical production processes. The facility is located on a 593-acre tract of land adjacent to State Highway 361, approximately 2 miles west of the intersection of State Highway 361 with Farm to Market Road 1069 in the City of Ingleside, San Patricio County, Texas.

Approved, BJW/JH

Item 3. APPLICATION BY ALFA - LAVAL THERMAL, INC. for a permit (Proposed Permit No. 03344) to authorize a discharge of treated effluent at a volume not to exceed an average flow of 5,000 gallons per day. The plant site is at 12249-A FM 529, which is about 20 miles northwest of the City of Houston, Harris County, Texas.

Approved, BJW/JH

Item 4. APPLICATION BY THE CITY OF BEASLEY for an amendment to Permit No. 11450-01 to request a variance to the buffer zone. The permit currently authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed 60,000 gallons per day from the wastewater treatment facilities, which will remain the same. The plant site is approximately 3000 feet east of the intersection of U.S. Highway 59 (Southwest Freeway) and Farm-to-Market Road 1875, 3000 feet west-southwest of the intersection of U.S. Highway 59 and Eslieb Road, on the frontage of Emerson Road south of the City of Beasley in Fort Bend County, Texas.

Approved, BJW/JH

Item 5. APPLICATION BY THE CITY OF BRIDGEPORT for an amendment to Permit No. 10389-02 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 390,000 gallons per day to a volume not to exceed an average flow of 700,000 gallons per day. The wastewater treatment facilities are approximately 850 feet from the intersection of State Highway 114 and Farm-to-Market

Road 2123, 1.1 miles south of the intersection of Halsell Street and 13th Street in Wise County, Texas.

Approved, BJW/JH

Item 6. APPLICATION BY THE CITY OF DEL RIO for an amendment to Permit No. 10159-03 in order to relocate the discharge point and authorize the treated effluent to be discharged directly into the Rio Grande. The plant site is approximately 0.5 mile south of the intersection of Cinegas Creek and the Southern Pacific Railroad, 2500 feet southwest of the intersection of Garza Lane and Cinegas Road in Val Verde County, Texas.

Approved, BJW/JH

Item 7. APPLICATION BY THE CITY OF TIOGA for an amendment to Permit No. 13199-01 to authorize the disposal of sludge on 2.85 acres of land located at the wastewater treatment plant site. The permit currently authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 90,000 gallons per day, which will remain the same. The wastewater treatment facilities are approximately 0.6 mile south of the intersection of Farm-to-Market Road 121 and U.S. Highway 377, 500 feet west of U.S. Highway 377, and adjacent to the Missouri Pacific Railroad in Grayson County, Texas.

Approved, BJW/JH

Item 8. APPLICATION BY ADJUTANT GENERAL'S DEPARTMENT for renewal of Permit No. 13249-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 7,000 gallons per day. The wastewater treatment facilities are approximately 1/2 mile southeast of the intersection of U.S. Highway 271 and Farm-to-Market Road 2648 in Lamar County, Texas.

Approved, BJW/JH

Item 9. APPLICATION BY BETZ LABORATORIES, INC. for renewal of Permit No. 02792 which authorizes a discharge of stormwater runoff at a volume variable with rainfall from an organic chemicals blending facility. The plant is on property east of Foreman Road between the Southern Pacific and Missouri Pacific rail lines, approximately one mile southwest of the Highway 87 circle in the City of West Orange, Orange County, Texas.

Approved, BJW/JH

Item 10. APPLICATION BY THE CITY OF BROWNSBORO for renewal of Permit No. 10540-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 67,000 gallons per day. The wastewater treatment facilities are north of Brownsboro on the west side of Farm-to-Market Road 314, at the north end of the highway bridge over Kickapoo Creek in Henderson County, Texas.

Approved, BJW/JH

Item 11. APPLICATION BY CROW-HOUSTON INDUSTRIAL DEVELOPMENT, INC. for renewal of Permit No. 12221-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 350,000 gallons per day. The wastewater treatment facilities are on the east side of Windfern Road, about 1/4 mile south of U.S. Highway 290 within the City of

Houston in Harris County, Texas.

Approved, BJW/JH

Item 12. APPLICATION BY THE CITY OF DEKALB for renewal of Permit No. 10062-02 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 350,000 gallons per day. The wastewater treatment facilities are approximately 1.5 miles due south of the intersection of U.S. Highway 82 and Farm-to-Market Road 992 in Bowie County, Texas.

Approved, BJW/JH

Item 13. APPLICATION BY FORRESTON SEWER SERVICE AND WATER SUPPLY CORPORATION for renewal of Permit No. 11103-01 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 2 blocks east of U.S. Highway 77 on Main Street in the City of Forreton in Ellis County, Texas.

Approved, BJW/JH

Item 14. APPLICATION BY HAHN & CLAY for renewal of Permit No. 02794 which authorizes the discharge of hydrostatic test wastewater at a volume not to exceed an average flow of 50,000 gallons during any 24-hour period from its steel fabrication "Job Shop". The facility is at 5100 Clinton Drive, approximately 3/4 mile south of the intersection of Lockwood Drive and Interstate Highway 10, in the City of Houston, Harris County, Texas.

Approved, BJW/JH

Item 15. APPLICATION BY THE CITY OF HOUSTON, DEPARTMENT OF PUBLIC UTILITIES for renewal of Permit No. 10495-115 which authorizes a discharge of treated domestic wastewater effluent in phases with the final volume not to exceed an average flow of 3,000,000 gallons per day from the Northborough Wastewater Treatment Facilities which are approximately 1000 feet west of Interstate Highway 45 and 2700 feet north of Gears Road, on the north side of and adjacent to Greens Bayou in Harris County, Texas.

Approved, BJW/JH

Item 16. APPLICATION BY RANDOLPH WATER SUPPLY CORPORATION for renewal of Permit No. 11343-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 21,800 gallons per day. The waste water treatment facilities are located on the south side of State Highway 11, approximately 600 feet east of the intersection of State Highway 11 and Loop 451 in Fannin County, Texas.

Approved, BJW/JH

Item 17. APPLICATION BY REFUGIO COUNTY W.C.I.D. No. 1 for renewal of Permit No. 10256-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 75,000 gallons per day. The wastewater treatment facilities are on an unnamed county road 0.1 mile south of the intersection of the unnamed county road and State Highway 113; further described as being located approximately

0.1 mile west of the intersection of State Highways 113 and 35 in Refugio County, Texas.

Approved, BJW/JH

Item 18. APPLICATION BY SPHERE SUPPLY, INC. for renewal of Permit No. 13316-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 2,000 gallons per day from its packing, storage and light equipment maintenance facility. The plant site is at 16643 Jacintoport Boulevard in Harris County, Texas.

Approved, BJW/JH

Item 19. APPLICATION BY THE CITY OF TATUM for renewal of Permit No. 10850-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 410,000 gallons per day. The wastewater treatment facilities are approximately 4000 feet southwest of the intersection of State Highway 43 and State Highway 149 in Rusk County, Texas.

Approved, BJW/JH

Item 20. APPLICATION BY TENNESSEE PIPELINE CONSTRUCTION COMPANY for renewal of Permit No. 11205-01 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 permittee is also authorized to use treated effluent to irrigate 9 acres of hay at an application rate of not to exceed 2.7 acre-feet/acre/year. The wastewater treatment facilities are at the Cuddihy Airfield, approximately 1.5 miles southwest of the intersection of Farm to Market Roads 665 and 763, west of the City of Corpus Christi in Nueces County, Texas.

Approved, BJW/JH

Item 21. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 49 FOR APPROVAL OF \$1,700,000 FIRST BOND ISSUE, 8.73628% NET EFFECTIVE INTEREST RATE, SERIES 1991. For Commission consideration and action. Applicant requests approval of \$1,700,000 First Bond Issue to reimburse developer for utilities in Oyster Creek Place Sections 1 and 5-A-1, and to fund detention ponds, drainage and levee improvements, water well and plant facilities, and a dechlorination system.

Approved, BJW/JH

Item 22. APPLICATION BY CLEAR LAKE CITY WATER AUTHORITY OF HARRIS COUNTY FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS; \$6,400,000 BOND ISSUE APPROVED DECEMBER 14, 1990. For Commission consideration and action. The Authority has requested the release of \$968,367 from escrow to finance the North Fork (Glen Falls), Section 2 and to finance the Authority's 50% share of the Bay Oaks Country Club (effluent irrigation system) projects.

Approved, BJW/JH

Item 23. APPLICATION BY PARK TEN MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS, ESCROWED SURPLUS FUNDS AND FOR THE USE OF SURPLUS FUNDS; \$12,350,000 BOND ISSUE APPROVED March 23, 1985. For Commission consideration and action. The District requests approval for

a change in plans for escrowed funds, the release of \$1,320,000 in escrowed funds, the release of \$305,870 in escrowed surplus funds and for the use of \$278,757 in surplus funds to finance the costs relative to the District's Remote Well & Storage Tank project & the Park Ten, Section Nine Drainage project.

Approved, BJW/JH

Item 24. APPLICATION BY BLUE RIDGE MUNICIPAL UTILITY DISTRICT OF FORT BEND COUNTY FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS AND FOR THE USE OF SURPLUS FUNDS; \$1,825,000 BOND ISSUE APPROVED March 13, 1984. For Commission consideration and action. The District requests approval for a change in plans for escrowed funds, the release of \$115,000 from escrow and the use of \$439,700 in surplus funds to finance the costs relative to modifying the District's wastewater treatment plant to meet permit and regulatory requirements and to correct existing operational problems.

Approved, BJW/JH

Item 25. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF TEXOMA SERVICES CORPORATION TO INCREASE RETAIL WATER RATES IN GRAYSON COUNTY, TEXAS; DOCKET NO. 9007-R. Applicant provides retail water service to approximately 1,082 customers. Recommendation: Adoption of agreement of parties. (Colbert)

Approved, BJW/JH

Item 26. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF HOOD COUNTY UTILITIES, INC. TO INCREASE RETAIL WATER RATES IN FLOOD COUNTY, TEXAS (DOCKET NO. 8959-G). Applicant provides retail water service to approximately 30 customers. RECOMMENDATION: Approval of rate increase. (SAHS)

Approved, BJW/JH

Item 27. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF CITY OF HIGHLAND VILLAGE APPEALING WHOLESALE SEWER RATES SET BY THE CITY OF LEWISVILLE IN DENTON COUNTY, TEXAS; DOCKET NO. 8943-A. Recommendation: Dismiss with prejudice. (Sahs)

Approved, BJW/JH

Item 28. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF KICKAPOO UTILITIES, INC. TO INCREASE RETAIL WATER AND SEWER RATES IN POLK COUNTY, TEXAS; DOCKET NO. 9006-G. Applicant provides retail water and sewer service to approximately 23 customers. Recommendation: Adoption of agreement of parties. (Wood)

Approved, BJW/JH

Item 29. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF HARPER WATER COMPANY TO INCREASE RETAIL WATER RATES IN GILLESPIE AND KERR COUNTIES, TEXAS; DOCKET NO. 9044-R. Applicant provides retail water service to approximately 533 customers. Recommendation: Adoption of agreement of parties. (Wood)

Continued September 25 1991 at 9:00 a.m.

Item 30. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF G-HAW WATER SYSTEMS, INC. FOR A REPORT OF SALE AND A TRANSFER OF A PORTION OF CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 11760 ENCOMPASSING AUTUMN HILLS ESTATES, TRIPLE H ESTATES, AND OAKWOOD COUNTRY ESTATES SUBDIVISIONS to provide water service in Tarrant County, Texas; Docket No. 8698-S. Recommendation: Dismissal (Sahs)

Approved, BJW/JH

Item 31. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF WEST LAKEVIEW WATER SUPPLY CORPORATION TO DISCONTINUE WATER SERVICE AND CANCEL CCN NO. 11829; to discontinue water service in Johnson County, Texas; Docket No. 8443-Q. Recommendation: Allow withdrawal. (Colbert)

Approved, BJW/JH

Item 32. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE PETITION OF EXECUTIVE DIRECTOR FOR AN ORDER ASSESSING ADMINISTRATION PENALTIES AND REQUIRING CERTAIN ACTIONS OF TYLER PIPE INDUSTRIES, INC. FOR PERMIT NO. SWR-30140 IN SMITH COUNTY, TEXAS. RECOMMENDATION: Approval of Agreed Order. (SAHS)

Issue Agreed Order, BJW/JH

Item 33. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF DALE DRAKE FOR PERMIT NO. 03231 to authorize the disposal of waste and wastewater from 2,500 confined head of cattle in El Paso County, Texas, and Segment No. 2307 of the Rio Grande River Basin. Recommendation: Dismissal without prejudice. (Sahs)

Continued to October 2, 1991 at 3:00 p.m.

Item 34. APPLICATION OF KAY M. PENNEL DBA SIESTA VILLAGE WATER ASSOCIATION for a Water Certificate of Convenience and Necessity in Comal County, TX (Application No. 8838-C, Fenner)

Approved, BJW/JH

Item 35. APPLICATION OF ELLIS CHITWOOD, JOHN DAKE AND KENNY ARMSTRONG DBA SKYLINE DRIVE LANDOWNERS ASSOCIATION WATER SYSTEM for a Water Certificate of Convenience and Necessity in Johnson County (Application No. 8788-C, Shires)

Approved, BJW/JH

Item 36. APPLICATION OF BLEDSOE WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Cochran County, Tx (Application No. 8639-C, Holck)

Approved, BJW/JH

Item 37. APPLICATION OF DALE B. BOYNTON DBA BOYNTON WATER SYSTEM for a Water Certificate of Convenience and Necessity in Hood County (Application No. 8632-C, Holck)

Approved, BJW/JH

Item 38. APPLICATION OF J. M. HUBER CORPORATION for a Water Certificate of Convenience and Necessity in Hutchinson County

(Application No. 8705-C, Shires)

Approved, BJW/JH

Item 39. APPLICATION OF JESSE GRADY DBA HORSESHOE LAKE PROPERTY OWNERS ASSOCIATION for a Water Certificate of Convenience and Necessity in Bastrop County (Application No. 8744-C, Shires)

Approved, BJW/JH

Item 40. APPLICATION OF CONROE BAY CIVIC ASSOCIATION, INC. for Water and Sewer Certificates of Convenience and Necessity in Montgomery County (Application Nos. 9036-C and 9037-C, Horst)

Approved, BJW/JH

Item 41. APPLICATION OF NORTHRIDGE ACRES WATER SUPPLY CORPORATION for a Water Certification of Convenience and Necessity in Travis County (Application No. 8739-C, Strouse)

Approved, BJW/JH

Item 42. APPLICATION OF HAPPY JACK WATER COMPANY, INC. for a Water Certificate of Convenience and Necessity in Comal County (Application No. 9088-C, Holck)

Approved, BJW/JH

Item 43. APPLICATION OF WOODVALE WATER, INC. for a Water Certificate of Convenience and Necessity in Tarrant County (Application No. 8714-C, Strouse)

Approved, BJW/JH

Item 44. APPLICATION OF MARSHA WATER SUPPLY CORPORATION to Transfer Water CCN No. 12166 from Marsha Water Supply Corporation in Travis County (Application No. 9070-T, Horst)

Approved, BJW/JH

Item 45. APPLICATION OF HARBOR POINT RESORT COMPANY, L. P. AND LIVINGSTON RESORT COMPANY DBA H. P. WATER SERVICES COMPANY to Transfer Water CCN No. 12530 from Livingston Resort Company; and Application No. 9096-C of Harbor Point Resort Company, L. P. and Livingston Resort Company dba H. P. Water Services Company for Sewer CCN No. 20746 in Trinity County, TX (Application Nos. 9095-T and 9096-C, Horst)

Approved, BJW/JH

Item 46. APPLICATION OF MARTINDALE WATER SUPPLY CORPORATION to Transfer Water CCN No. 11891 from Mike Abel dba Spring River Water System; Amend Water CCN No. 10312; Cancel Water CCN No. 11891 in Caldwell County, TX (Application No. 8972-S, Schaubhut)

Approved, BJW/JH

Item 47. APPLICATION OF MARION J. SMITH DBA SMITH MANAGEMENT SERVICES to Transfer Water CCN No. 11168 from Mike E. Roberts dba Roberts Well Service in Lubbock County, Tx (Application No. 8954-S, Horst)

Approved, BJW/JH

Item 48. APPLICATION OF WALNUT COVE WATER SUPPLY CORPORATION to Transfer and Amend a portion of Water CCN No. 11787 and Sewer CCN No. 20598 from O. Dean Couch dba W.C.W.C., Inc. dba Cedar Point Utility Company in Montgomery and Polk Counties (Application No. 9074-S, Carlson)

Approved, BJW/JH

Item 49. APPLICATION OF HANCO UTILITIES, INC. to Transfer a Portion of Water CCN No. 11908 from H2M Water System, Inc. and Amend Water CCN No. 12512 in Tarrant County (Application No. 8949-S, Wiley)

Approved, BJW/JH

Item 50. APPLICATION OF LEGGETT WATER SUPPLY CORPORATION to Transfer a Portion of Water CCN No. 12218 from Viola Jones dba Seven Oaks Water System and to Amend Water CCN Nos. 10145 and 12218 in Polk County (Application No. 9001-S, Horst)

Approved, BJW/JH

Item 51. APPLICATION OF RESORT WATER SERVICES, INC. to Transfer a Portion of Water Certificate of Convenience and Necessity No. 10848 from Payne Springs Water Supply Corporation and to Amend Water CCN Nos. 11517 and 10848 in Henderson County (Application No. 8879-T, Horst)

Approved, BJW/JH

Item 52. APPLICATION OF RESORT WATER SERVICES, INC. To Amend Certificate of Convenience and Necessity (CCN) No. 11517 and to Decertify a Portion of CCN No. 11588 of CTWS Company in Henderson County (Application No. 8878-C, Horst)

Approved, BJW/JH

Item 53. APPLICATION OF SALTILLO WATER SUPPLY CORPORATION for an Amendment to Water Certificate of Convenience and Necessity No. 10510 in Hopkins and Franklin Counties, TX (Application No. 9058-C, Shires)

Approved, BJW/JH

Item 54. APPLICATION OF RIO WATER SUPPLY CORPORATION to Amend Water Certificate of Convenience and Necessity No. 10295 in Starr County, TX (Application No. 9124-C, Holck)

Approved, BJW/JH

Item 55. APPLICATION OF BANDERA RIVER RANCH WATER COMPANY, INC. for an Amendment to Water Certificate of Convenience and Necessity No. 12262 in Bandera County, TX (Application No. 8890-C, Holck)

Continued to October 2, 1991 at 3:00 p.m.

Item 56. APPLICATION OF TIMOTHY M. BRADBERRY DBA BRADBERRY WATER SUPPLY to Amend Water Certificate of Convenience and Necessity No. 11950 in Wise and Tarrant Counties, TX (Application No. 9186-C, Shires)

Approved, BJW/JH

Item 57. APPLICATION OF PAINT CREEK WATER SUPPLY CORPORATION to Decertify a Portion of Water Certificate of Convenience and Necessity No. 10635 Service Area, in Haskell County (Application No. 9040-Q, Strouse)

Approved, BJW/JH

Item 58. APPLICATION OF HAMSHIRE COMMUNITY WATER SUPPLY CORPORATION for a Sewer Certificate of Convenience and Necessity in Jefferson County, TX (Application No. 9109-C, Holck)

Approved, BJW/JH

Item 59. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING AN ORDER ESTABLISHING MODIFIED INTERIM OPERATIONAL PROCEDURES PERTAINING TO CERTIFICATE OF ADJUDICATION NO. 21-3214 OF THE CITY OF CORPUS CHRISTI, NUECES RIVER AUTHORITY, AND THE CITY OF THREE RIVERS. Recommendation: Issuance of modified interim rates. (Sullivan)

Approve Staff Recommendation, JH/BJW

Item 60. CONSIDERATION OF THE REQUEST BY UNION CARBIDE CHEMICALS AND PLASTICS COMPANY, INC., TO CANCEL CERTIFICATE OF ADJUDICATION NO. 22-4496 WHICH AUTHORIZES THE USE OF 274,835 ACRE-FEET OF WATER FROM THE BROWNSVILLE SHIP CHANNEL IN THE NUECES-RIO GRANDE COASTAL BASIN FOR INDUSTRIAL PURPOSES. (Persky)

Approve Staff Recommendation, BJW/JH

Item 61. APPLICATION NO. 5365 BY THE CITY OF MISSOURI CITY FOR A WATER USE PERMIT PURSUANT TO SECTION 11.121 OF THE TEXAS WATER CODE. For Commission Action. Applicant seeks authorization to maintain an existing dam and 120 acre-foot capacity reservoir on an unnamed tributary of Oyster Creek, San Jacinto - Brazos Costal Basin, and to use the impounded water for aesthetic purposes in the Quail Valley area, approximately 13 miles east of Richmond, Fort Bend County, Texas. (JORDAN/wph).

Remand to Office Hearings Examiner

Item 62. APPLICATION NO. 23-2811C BY DAVID B. TERK TO AMEND CERTIFICATE NO. 23- 2811, AS AMENDED. For Commission Action. Applicant seeks to amend Certificate No. 23-2811, as amended, to authorize additional points of diversion from either bank of Cienegas Creek within applicant's property boundaries, approximately 2 miles west of Del Rio, Val Verde County, Texas. (JORDAN/wph).

Approved, JH/BJW

Item 63. APPLICATION NO. 14-1290A BY THE CRISTOVAL INDEPENDENT SCHOOL DISTRICT TO AMEND CERTIFICATE NO. 14-1290. For Commission Action. Applicant seeks authorization to change the place of use and diversion point for six acre-feet of water from present location to the school's campus in a 58.299-acre tract in the Johann Zerbach Survey, Abstract No. 1827, and establish a diversion point on the perimeter of a reservoir located on the South Concho River, approximately 19 1/2 miles southwest of San Angelo, Tom Green County, Texas. (JORDAN/wph).

Approved, JH/BJW

Item 64. APPLICATION NO. 23-2653A BY DAVID B. TERK AND CHARLES P. BRUCE

TO AMEND CERTIFICATE NO. 23-2653. For Commission Action. Applicants seek an amendment to Certificate No. 23-2653 to expand the area within which irrigation is authorized to include those tracts of land owned by David B. Terk and currently authorized under Certificate No. 23-2811, as amended, approximately 2 miles west of Del Rio, Val Verde County, Texas. (JORDAN/wph).

Approved, JH/BJW

Item 65. CONSIDERATION OF ALL MOTIONS FOR REHEARING ON APPLICATION BY TRAVIS COUNTY WCID #17 TO AMEND ORDER APPROVING THE \$7,895,000 DEFINED AREA BOND ISSUE APPROVED SEPTEMBER 6, 1990. (This matter was considered on June 12, 1991.)

MFR Overruled, BJW/JH

EMERGENCY ADDENDUM TO UNCONTESTED AGENDA

Wednesday, September 18, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 66. CONSIDERATION OF AN EMERGENCY REFERRAL OF CECIL McDONALD AND D & A REALTY, DBA RIO BRAVO ANNEX TO THE TEXAS ATTORNEY GENERAL FOR SUIT FOR INJUNCTIVE RELIEF TO PREVENT CONSTRUCTION OF AND DISCHARGE FROM A WASTEWATER TREATMENT PLANT PRIOR TO COMMISSION APPROVAL OF PLANS AND SPECIFICATIONS FOR THE PLANT. (Ray)

Remand to Attorney General

2ND EMERGENCY ADDENDUM TO UNCONTESTED AGENDA

Wednesday, September 18, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 67. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR AN EMERGENCY ORDER AUTHORIZING DOW CHEMICAL COMPANY TO DISPOSE OF A DISTRESSED CANISTER OF DIISOPROPYL ETHER. (Warneke)

Issue Emergency Order, BJW/JH

UNCONTESTED OLD BUSINESS

Wednesday, September 18, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item carried forward from Agenda of July 24, 1991.

- Item 1. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 183 FOR APPROVAL OF THE ISSUANCE OF \$1,450,000 UNLIMITED TAX BOND ISSUE, 8.477% NET EFFECTIVE INTEREST RATE, SERIES 1991. For Commission consideration and action. Applicant requests Commission approval for a bond issue to finance water well repairs, purchase of interconnect water during the water well repair, painting of the water system ground storage tank, expansion of Water Plant No. 1, and water, wastewater and storm drainage facilities to serve 263 equivalent single family connections.

Continued to October 16, 1991 at 3:00 p.m.

ADDENDUM TO UNCONTESTED OLD BUSINESS

September 18, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item carried forward from Agenda of June 24, September 11, 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).

Issue Order as Proposed, BJW/JH

Item carried forward from Agenda of September 11, 1991.

- Item 3. 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.

Adopt Staff Recommendation, BJW/JH