

CONTESTED AGENDA

Wednesday, October 9, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF B&S GATOR FARM, INC. FOR TEMPORARY WATER USE PERMIT NO. TA-6616, CHAMBERS COUNTY, TEXAS, NOT TO EXCEED 160 ACRE-FEET OF WATER PER ANNUM FROM ELM BAYOU, IN THE NECHES TRINITY COASTAL BASIN, FOR IRRIGATION PURPOSES. RECOMMENDATION: ISSUANCE OF AUTHORIZATION. (LIMES).

Adopt Examiner's Proposal, overrule all exceptions, Issue Order, BJW/PR

Item 2. CONSIDERATION OF THE PETITION BY CANUTILLO INDEPENDENT SCHOOL DISTRICT FOR A REVIEW AND INVESTIGATION OF THE RATES CHARGED BY EL PASO COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT - WESTWAY FOR WATER SERVICE. (Petrov)

Remand to Executive Director, BJW/PR

Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION AND ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF TIMCO INDUSTRIES, INC., SWR NO. 38490, CLETUS P. ERNSTER, SWR NO. 39996, AND MARVIN SCHUMACHER, SWR NO. 39997. (Hahn)

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

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER REQUIRING CERTAIN ACTIONS OF D BAR B MOBILE HOME RANCH HOMEOWNERS ASSOCIATION, INC., AND SARKAL HOLDINGS, INC., PERMIT NO. 11166-01. (Smith, J.)

Issue Agreed Order, JH/PR

Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF DISCOUNT OILS, LUBRICANTS & FUELS, INC., TWC FACILITY NO. 05168. (Alvarado)

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

Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF LAWRENCE C. REISING, NO TWC FACILITY ID. NUMBER. (Alvarado)

Continued to November 6, 1991 at 9:00 a.m.

Item 7. CONSIDERATION OF A PETITION TO DRAFT RULES PURSUANT TO TEXAS WATER CODE SECTION 26.177(c), RELATING TO CRITERIA FOR ESTABLISHMENT OF A MUNICIPAL WATER POLLUTION CONTROL AND ABATEMENT PROGRAM. (Smith, S.)

Petition Denied and Instructed by Chairman Hall to proceed with rules and publishes in Texas Register within 90 days and Continued to November 20 at 9:00 a.m.

Item 8. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO DISCUSS PENDING OR CONTEMPLATED LITIGATION, SETTLEMENT OFFERS, AND/OR THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL OF SPECIFIC COMMISSION EMPLOYEES, as permitted by TEX.REV.CIV.STAT.ANN. art 6252-17 Sections 2(e) and 2(g). No final action, decision or vote with regard to any matter considered in closed session shall be made in the absence of further notice issued in accordance with TEX.REV.CIV.STAT.ANN. art. 6252-17.

No Action Taken

EMERGENCY ADDENDUM TO CONTESTED AGENDA

Wednesday, October 9, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 9. COMMISSION CONSIDERATION AND ADOPTION OF AGENCY GOALS AND OBJECTIVES. (Hall). The Commission will reconvene in Room 123 to discuss this item.

Adopt Agency Goals and Objectives with additions as recommended by Commissioner Wynne with instructions to Allen Beinke and Karen Phillips from Chairman Hall, JH/PR

(Due to reasonably unforeseeable circumstances, an emergency posting of this matter is necessary.)

2ND EMERGENCY ADDENDUM TO CONTESTED AGENDA

Wednesday, October 9, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 10. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S MOTION REQUESTING AN EMERGENCY ORDER OF THE COMMISSION REQUIRING SOUTHWESTERN WATER TO PROVIDE AN EMERGENCY INTERCONNECTION TO LIVE OAK WATER SUPPLY CO., INC. (DOCKET NO. 9278-E) (SMITH, D)

Issue Emergency Order, JH/PR

(Due to reasonably unforeseeable circumstances, an emergency posting of this matter is necessary.)

CONTESTED OLD BUSINESS

October 9, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of July 31, and September 11, 1991.

- Item 1. CONSIDERATION OF THE APPEAL OF MEINE HUISMAN DAIRY OF STIPULATED PENALTIES ASSESSED PURSUANT TO AN ENFORCEMENT ORDER ISSUED SEPTEMBER 6, 1990. (Ligarde)

Issue Agreed Order, BJW/JH

Item carried forward from Agenda of May 15, July 3, September 11, 1991 and September 25, 1991.

- Item 2. 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). (On September 25, 1991 an Agreed Order was issued. In the agreed order Douglas Hoskins, Texas Processing, Inc. was severed from this action and is to be considered on October 9, 1991.)

Continued to October 9, at 3:00 p.m.

ADDENDUM TO CONTESTED OLD BUSINESS

Wednesday, October 9, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of September 18, and October 2, 1991.

- Item 3. 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).

Issue Proposed Order and changes as recommended by Executive Director, BJJW/JH

(Examiner's Proposal was adopted with changes recommended by Commissioner Wynne, General Counsel will draft order with recommendations to be included into the permit.)

UNCONTESTED AGENDA

Wednesday, October 9, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 1. APPLICATION BY THE CITY OF LUBBOCK for a permit (Proposed Permit No. 10353-08) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed 9,000,000 gallons per day. The applicant proposes to operate the Southeast Water Reclamation Plant Number Four. The plant site is west and adjacent to the City of Lubbock's Southeast Water Reclamation Plant (Permit Number 10353-002) at the eastern terminus of East 38th Street, south of the Fort Worth and Denver Railroad bridge crossing of the North Fork of the Double Mountain Fork of the Brazos River, approximately one mile northwest of the intersection of State Highway-Loop 289 and Farm-to-Market Road 835 (Buffalo Springs Lake Road), in the southeastern portion of the City of Lubbock, in Lubbock, County, Texas.

Continued to October 23, 1991 at 3:00 p.m.

Item 2. APPLICATION BY AZTECA MILLING COMPANY for an amendment to Permit No. 02525 which currently authorizes disposal of treated wastewater by irrigation at a volume not to exceed 250,000 gallons per day average. The proposed amendment would increase the disposal volume to 300,000 gallons per day average. The proposed amendment would also increase the amount of land used for irrigation from 70 acres to 105 acres. The plant site is approximately one quarter mile west of U.S. Highway 281 and just north of Chapin Road in the City of Edinburg, Hidalgo County, Texas.

Approved, PR/JH

Item 3. APPLICATION BY THE CITY OF CLEBURNE for a minor amendment to Permit No. 10006-01 to authorize a discharge of treated domestic wastewater effluent at a final volume not to exceed an average flow of 6,000,000 gallons to a decreased final volume not to exceed an average flow of 5,000,000 gallons per day from the wastewater treatment facilities. The plant site is on the north side of Buffalo Creek approximately 1 mile southwest of the intersection of State Highway 174 and State Highway 171 in Johnson County, Texas.

Approved, PR/JH

Item 4. APPLICATION BY AZALEA PLACE, INC. for renewal of Permit No. 10825-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 15,000 gallons per day from the Aldine Community Care Center Wastewater Treatment Facilities which are located at 10110 Airline Drive at the northeast corner of the intersection of Airline Drive and Aldine Mail Road in Harris County, Texas.

Approved, PR/JH

Item 5. APPLICATION BY LAJITAS UTILITY COMPANY, INC. for renewal of

Permit No. 12167-01 which authorizes the discharge of treated domestic wastewater effluent at a volume not to exceed an interim flow of 45,000 gallons per day average and a final flow of 1,000,000 per day average. The permittee is also authorized to use treated effluent to irrigate a 9-hole golf course at an application rate of not to exceed 5.3 acre-feet/acre/year. The wastewater treatment facilities are approximately 900 feet south of Ranch-to-Market Road 170 and 2200 feet east of the Rio Grande in Brewster County, Texas.

Approved, PR/JH

Item 6. APPLICATION BY LAKE CONROE MARINA, INC. for renewal of Permit No. 11693-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 18,000 gallons per day. The wastewater treatment facilities are located about 3 miles west of the State Highway 105 crossing of the San Jacinto River between State Highway 105 and the south shore of Lake Conroe in Montgomery County, Texas.

Approved, PR/JH

Item 7. APPLICATION BY MATAGORDA WASTE DISPOSAL AND WATER SUPPLY CORPORATION for renewal of Permit No. 10913-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 190,000 gallons per day. The wastewater treatment facilities are in Matagorda, on the northwest corner of the intersection of Matagorda and Barnard Street, approximately 1/2 mile southeast of the intersection of Farm-to-Market Road 2031 and State Highway 60 in Matagorda County, Texas.

Approved, PR/JH

Item 8. APPLICATION BY TARRANT BAPTIST ASSOCIATION, INC. for renewal of Permit No. 10895-01 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 approximately 4 miles due east of the intersection of Farm to Market Road 56 and Farm to Market Road 144 and approximately 1000 feet due west of the Brazos River in Somervell County, Texas.

Approved, PR/JH

Item 9. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF PETITIONERS FOR CREATION OF FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 110 OF FORT BEND COUNTY, TEXAS. Recommendation: Creation of the District. (Zukauckas)

Approved, JH/PR

Item 10. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF LAKE TRAVIS INDEPENDENT SCHOOL DISTRICT FOR A RENEWAL OF PERMIT NO. 12920-002 to authorize the disposal of Int.-.0067 MGD and Final-.0165 MGD of treated domestic wastewater effluent in Travis County, Texas, and Segment No. 1404 of the Colorado River Basin. Applicant also seeks to expand pressure dosing fields to accommodate additional discharge. Recommendation: Issuance of permit. (Harris)

Approved, JH/PR

Item 11. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF LAKE CONROE HILLS MUD FOR APPROVAL TO LEVY STANDBY FEES IN MONTGOMERY COUNTY, TEXAS; TWC IC # 121189-D-01. Recommendation: Adoption of agreement of parties. (Harris)

Issue Agreed Order, JH/PR

Item 12. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PRELIMINARY ENFORCEMENT REPORT OF THE EXECUTIVE DIRECTOR REGARDING ALLEGED VIOLATIONS OF CHAPTER 26 AND PERMIT NO. 03027 OF TINSE CHEMICAL COMPANY IN HARRIS COUNTY, TEXAS, AND SEGMENT NO. 2437 OF THE BAYS AND ESTUARIES. Recommendation: Adopted settlement of parties. (Parker)

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

Item 13. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF MURRAY EAST FOR PERMIT NO. 03275 to authorize the disposal by irrigation of wastes and wastewater from a dairy farm operation in Eastland County, Texas. The dairy is in the drainage area of Leon Reservoir in Segment No. 1224 of the Brazos River Basin. Recommendation: Issuance of permit. (O'Neal)

Approved, JH/PR

Item 14. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT OF SUBSTANTIAL NONCOMPLIANCE AND ORDER FINDING SUBSTANTIAL NONCOMPLIANCE AND FINDING NO FURTHER ACTION IS NECESSARY OF ANDERSON-SHIRO CISD. (LEHMKUHLE) (PERMIT #13409-01)

Issue No Action Order, JH/PR

Item 15. APPLICATION BY HOMESTEAD MUNICIPAL UTILITY DISTRICT OF EL PASO COUNTY FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS AND CHANGE IN PLANS; \$1,995,000 BOND ISSUE APPROVED January 6, 1986. For Commission consideration and action. Applicant requests approval of the release of \$170,000 of escrowed funds to finance construction of a 35,000 gallon elevated water tank project and water main extensions and looping project.

Approved, JH/PR

Item 16. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 221 FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS; \$7,000,000 BOND ISSUE APPROVED October 22, 1982. For Commission consideration and action. The District has requested the release of \$5,135 from escrow to finance the installation of a bar screen at the District's wastewater treatment plant.

Approved, JH/PR

Item 17. APPLICATION BY WOODCREEK MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL TO WITHDRAW ESCROWED FUNDS; \$3,650,000 BOND ISSUE APPROVED October 10, 1984. For Commission consideration and action. Applicant seeks approval to withdraw \$158,400 from an escrow account to finance construction of a ground water storage tank.

Approved, JH/PR

Item 18. APPLICATION OF FOOTHILLS MOBILE HOME RANCH, INC. for a Water Certificate of Convenience and Necessity in Kendall County, TX

(Application No. 9066-C, Fenner)

Approved, JH/PR

Item 19. APPLICATION OF OILTON RURAL WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Webb County, TX (Application No. 9071-C, Fenner)

Approved, JH/PR

Item 20. APPLICATION OF WHITEROCK WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity (CCN) and Decertification of Portions of Bistone Water Supply District's CCN No. 10788 and the City of Mexia's CCN No. 10770 in Limestone County, TX (Application No. 8895-C, Holck)

Approved, JH/PR

Item 21. APPLICATION OF JACOBS WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity and to Decertify a Portion of Cross Roads Water Supply Corporation Certificate of Convenience and Necessity No. 11469 in Rusk County, TX (Application No. 8872-C, Holck)

Approved, JH/PR

Item 22. APPLICATION OF CITY OF INGLESIDE for Decertification of a Portion of Water Certificate of Convenience and Necessity No. 10562 in San Patricio County, TX (Application No. 9083-Q, Strouse)

Approved, JH/PR

Item 23. APPLICATION OF PINE TREE ESTATES NO. 2 LANDOWNERS ASSOCIATION, INC. for a Sewer Certificate of Convenience and Necessity in Tarrant County, TX (Application No. 8908-C, Shires)

Approved, JH/PR

Item 24. APPLICATION OF G & L LAND COMPANY, INC. DBA GOSLING UTILITY AND MAINTENANCE COMPANY for a Water Certificate of Convenience and Necessity in Harris County, TX (Application No. 9149-C, Shires)

Approved, JH/PR

Item 25. APPLICATION OF G & L LAND COMPANY, INC. DBA GOSLING UTILITY AND MAINTENANCE COMPANY for a Sewer Certificate of Convenience and Necessity in Harris County, TX (Application No. 9150-C, Shires)

Approved, JH/PR

Item 26. APPLICATION BY LOMAS MORTGAGE COMPANY, INC. FOR AN EXTENSION OF TIME PURSUANT TO TEXAS WATER CODE SECTION 11.145. FOR COMMISSION ACTION. Applicant seeks to extend the dates for commencement and completion of the dams and related facilities authorized by Permit 4110 to May 1, 1993 and May 1, 1994, respectively. The dams and related facilities are located on Grapevine Creek, Trinity River Basin, approximately 16 miles north west of Dallas, Texas. (JORDAN/jme)

Approved, PR/JH

Item 27. APPLICATION NO. 5318A BY NORTHWESTERN RESOURCES COMPANY TO AMEND WATER USE PERMIT NO. 5318. For Commission Action. Applicant seeks to amend Water Use Permit No. 5318 to authorize an additional dam and 90.5 acre-foot capacity reservoir (No. 026) on Rena Branch, Trinity River Basin, and to divert and recover private ground water discharged into Rena Branch and Reservoir No. 026 at a maximum diversion rate of 2.7 cfs for industrial purposes at the applicant's Jewett Mine Site, approximately 5 miles east Donie, Freestone County, Texas (JORDAN/wph)

Approved, PR/JH

Item 28. APPLICATION NO. 14-5482C BY LOWER COLORADO RIVER AUTHORITY TO AMEND CERTIFICATE NO. 14-5482. For Commission Action. Applicant seeks to amend Certificate No. 14-5482 to establish a diversion point and maximum diversion rate on Lake Austin (authorized by Certificate No. 14-5471) for the purposes of diverting water released from Lake Travis for (industrial use) heat transfer or cooling purposes and for irrigation of landscaped areas surrounding applicant's proposed office complex, Colorado River, Colorado River Basin, Travis County, Texas. (JORDAN:rma)

Approved, PR/JH

Item 29. APPLICATION BY THE BARBARA JEANNE MURCHISON COFFMAN TRUST (JDM 3) FOR AN EXTENSION OF TIME TO COMPLETE CONSTRUCTION. FOR COMMISSION ACTION. Applicant seeks to extend the date required for completion of construction of a dam and reservoir authorized by Permit No. 5104 on Catfish Creek, tributary of the Trinity River, Trinity River Basin, from July 1, 1991 to June 30, 1992. (JORDAN/jme)

Approved, PR/JH

Item 30. Petroleum Storage Tank Remediation (PSTR) Fund Contract (Contract #0700030000) Amendment for Additional Funding for Groundwater Technology, Inc. (Jameson)

Approved, PR/JH

ADDENDUM TO UNCONTESTED AGENDA

Wednesday, October 9, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 31. PRESENTATION OF 35 YEAR EMPLOYEE SERVICE PIN.

Presented to Lonnie Brown

UNCONTESTED OLD BUSINESS

Wednesday, October 9, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item carried forward from Agenda of July 3, 1991 and July 31, 1991.

- Item 1. APPLICATION BY SAFETY-KLEEN CORPORATION for a permit (Proposed Permit No. HW50236, EPA I.D. No. TXD-010803203) to authorize the continued operation of an existing commercial Class I hazardous industrial solid waste storage and processing facility. The facility is located on 1.919 acres situated on the north side of Industrial Drive at Pike Road, approximately 500 feet north of the intersection between Pike Road and U.S. Highway 90, in Missouri City, Fort Bend County, Texas.

Approved, JH/PR

Item carried forward from Agenda of July 3, 1991 and July 31, 1991.

- Item 2. APPLICATION BY SAFETY-KLEEN CORPORATION for a permit (Proposed Permit No. HW50237, EPA I.D. No. TXD-062287883) to authorize the continued operation of an existing commercial Class I hazardous industrial solid waste storage and processing facility. The 1.29-acre facility is located approximately 1/5 mile west of U.S. 83-84 at 4234 Oil Belt Lane in Abilene, Taylor County, Texas.

Approved, JH/PR

Item carried forward from Agenda of September 25, 1991.

- Item 3. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF LAMAR WATER SUPPLY CORPORATION TO INCREASE RETAIL WATER AND SEWER RATES IN ARANSAS COUNTY, TEXAS; DOCKET NO. 9092-G. Applicant provides retail water and sewer service to approximately 199 customers. Recommendation: Adoption of agreement of parties. (Jackson)

Issue Agreed Order, JH/PR

ADDENDUM TO UNCONTESTED OLD BUSINESS

Wednesday, October 9, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item carried forward from Agenda of May 15, July 3, September 11, and September 25, 1991, October 9, at 9:00 a.m.

- 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). (On September 25, 1991 an Agreed Order was issued. In the agreed order Douglas Hoskins, Texas Processing, Inc. was severed from this action and is to be considered on October 9, 1991.)

Approved, JH/PR