

CONTESTED AGENDA

Wednesday, October 16, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE PETITION OF NORTH RUNNELS WATER SUPPLY CORPORATION APPEALING AN INCREASE IN WHOLESALE WATER RATES IN RUNNELS COUNTY, TEXAS BY THE CITY OF WINTERS; DOCKET NOS. 8496-W AND 9084-W. Winters provides wholesale water service to North Runnels Water Supply Corporation. Recommendation: Partial approval of rate increase.

Adopt Examiner's Proposal for Decision and Overrule All Exceptions, JH/PR

Item 2. CONSIDERATION OF THE APPEAL BY HARRIS COUNTY FRESH WATER SUPPLY DISTRICT 1-A OF STIPULATED PENALTIES ASSESSED PURSUANT TO A COMMISSION ORDER ISSUED JULY 20, 1989. (Ligarde)

Continued to November 20, 1991

Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF WALLACE A. RAYNOR D/B/A RED BIRD MOBILE HOME PARK, OAK HILL MOBILE HOME PARK, ALTA VISTA MOBILE HOME PARK, SPRING LAKE MOBILE HOME PARK, AND SUN ACRES MOBILE HOME PARK, DOCKET NO. 9115-E. (Smith, D.)

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

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE GREAT LAKES CARBON CORPORATION, PERMIT NO. 01994. (Corrigan)

Issue Agreed Order, JH/PR

Item 5. CONSIDERATION OF THE PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF DALHO CORPORATION, PERMIT NO. 12117-01. (McCalla)

Issue Agreed Order, JH/PR

Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF PRESIDIO, PERMIT NO. 12955-01. (Ligarde)

Issue Agreed Order, JH/PR

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.

Meet to Discuss Lawsuit Pending Against Water Commission, regarding Edwards Acquifer. No Action Taken

ADDENDUM TO CONTESTED AGENDA

Wednesday, October 16, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 8. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S MOTION REQUESTING THE SETTING OF INTERIM RATES IN THE MATTER OF THE APPLICATION OF GARDEN VALLEY WATER SUPPLY COMPANY, INC., FOR A WATER RATE INCREASE IN TRAVIS COUNTY, DOCKET NO. 9190-G. (Keils)

Approve Staff Recommendation, JH/PR

Item 9. CONSIDERATION OF THE PETITION TO AMEND THE ORDER IN DOCKET NO. 7368-R (ISSUED 9/1/88) AND FOR AN EMERGENCY RATE INCREASE FOR TAWOKONI WATER UTILITY CORPORATION IN HUNT COUNTY; CCN NO. 10855.

Amend Order with changes and Grant Emergency Rate Increase, JH/PR

CONTESTED OLD BUSINESS

Wednesday, October 16, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of March 20 and July 3, 1991,
August 14, 1991.

- Item 1. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND
PETITION FOR A TWC ORDER ASSESSING ADMINISTRATIVE PENALTIES
AND REQUIRING CERTAIN ACTIONS OF DIXIE METALS COMPANY - SWR
30136. (RENBARGER)

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

UNCONTESTED AGENDA

Wednesday, October 16, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 1. APPLICATION BY BILL BLANCHARD for a permit (Proposed Permit No. 13566-01) to authorize 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 facility will serve a mobile home park. The plant site is approximately 650 feet north of State Highway 12 on Aery Road in Orange County, Texas.

Approved, JH/PR

Item 2. APPLICATION BY LARRY D. BROWN for a permit (Proposed Permit No. 03270) to authorize the disposal of wastes and wastewater from a dairy operation. The dairy operation will consist of a maximum of 500 head. The dairy is on the south side of an unnamed county road approximately one mile north of the intersection of Farm-to-Market Road 2265 and Farm-to-Market Road 1655 in Wise County, Texas.

Approved, JH/PR

Item 3. APPLICATION BY HENK KENKHUIS for a permit (Proposed Permit No. 03163) to authorize the disposal of wastes and wastewater from a dairy operation. The dairy will consist of a maximum of 900 head in confinement. The dairy is on the south side of the intersection of Highway 219 and Pecan Cemetery in Comanche and Erath County, Texas.

Approved, JH/PR

Item 4. APPLICATION BY CAMERON COUNTY, SANTA ROSA WATER CONTROL & IMPROVEMENT DISTRICT for renewal of Permit No. 10330-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 390,000 gallons per day from the wastewater treatment facilities which are located approximately 0.4 mile northeast of the intersection of State Highway 107 and Farm-to-Market Road 506, northeast of the City of Santa Rosa in Cameron County, Texas.

Approved, JH/PR

Item 5. APPLICATION BY THE CITY OF GUSTINE for renewal of Permit No. 10841-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 82,000 gallons per day. The wastewater treatment facilities are approximately 2.0 miles east of the intersection of State Highway 36 and Farm-to-Market 1476 in Comanche County, Texas.

Approved, JH/PR

Item 6. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 6 for renewal of Permit No. 11273-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 750,000 gallons per day. The

wastewater treatment facilities are approximately two miles north and one mile east of the intersection of Fairbanks-North Houston Road and White Oak Bayou in Harris County, Texas.

Approved, JH/PR

Item 7. APPLICATION BY CITY OF HEDLEY for renewal of Permit No. 10709-01 which authorizes the disposal of treated domestic sewage effluent by evaporation. The disposal volume is not to exceed 55,000 gallons per day average. The facility is northeast of the City of Hedley, approximately 1.2 miles north and 0.8 mile east of the intersection of U.S. Highway 287 and State Highway 203 in Donley County, Texas.

Approved, JH/PR

Item 8. APPLICATION BY SOUTHERN SANITARY CORPORATION for renewal of Permit No. 10610-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 475,000 gallons per day. The wastewater treatment facilities are on the south bank on Halls Bayou, approximately 4500 feet west of Interstate Highway 45 in Harris County, Texas.

Continued to October 30, 1991 at 3:00 p.m.

Item 9. APPLICATION BY TEXAS UTILITIES MINING COMPANY for renewal of Permit No. 12275-01 which authorizes the discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 2,600 gallons per day. The wastewater treatment facilities are in the northeast quadrant of the Fuel Production Area 3, about 2.2 miles southeast of the intersection between Interstate Highway 30 and Farm-to-Market Road 1870 in Hopkins County, Texas.

Approved, JH/PR

Item 10. APPLICATION BY THE CITY OF VAN for renewal of Permit No. 10376-01 which authorizes the 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 north of Interstate Highway 20 and on the west side of Big Sandy Creek approximately 1 mile east of the intersection of Interstate Highway 20 and Farm-to-Market Road 314 in Van Zandt County, Texas.

Approved, JH/PR

Item 11. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF TURNPOINT ENGINEERING CORPORATION FOR RD & D PERMIT NO. HW-50311 TO AUTHORIZE THE OPERATION OF A SOLID AND HAZARDOUS WASTE INCINERATOR (RD & D) IN BEXAR COUNTY, TEXAS. Applicant seeks authorization to treat and dispose of Class I hazardous and nonhazardous materials at facilities located in Segment 1911 of the San Antonio River Basin. Recommendation: Dismissal of permit. (Sahs)

Dismiss W/O Prejudice, JH/PR

Item 12. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF SHADY HOLLOW ESTATES WATER SUPPLY CORPORATION TO INCREASE RETAIL WATER RATES IN TRAVIS COUNTY, TEXAS; DOCKET NO. 9165-G. Applicant provides retail water service to approximately 53 customers. Recommendation: Adoption of agreement of parties. (Sahs)

Issue Agreed Order, JH/PR

Item 13. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF MILLS ROAD MUD FOR AUTHORITY TO CHARGE STANDBY FEES IN HARRIS COUNTY, TEXAS; DOCKET NO. TWC IC #082790-D-01. Applicant provides water and sewer service to customers. Recommendation: Adoption of agreement of parties. (Harris)

Issue Agreed Order, JH/PR

Item 14. APPLICATION OF BILL BROWN AND LEO JANOWSKI DBA ECHO HILL PROPERTY OWNERS ASSOCIATION WATER SYSTEM for a Water Certificate of Convenience and Necessity in Henderson County, TX (Application No. 8946-C, Fenner)

Approved, JH/PR

Item 15. APPLICATION OF WILLIAM L. BLACK, WENDELL R. BLACK AND MICHAEL W. BLACK, A PARTNERSHIP DBA MYRA WATER SYSTEM for a Water Certificate of Convenience and Necessity in Cooke County, TX (Application No. 8854-C, Holck)

Approved, JH/PR

Item 16. APPLICATION OF STONEBRIDGE WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Denton County, TX (Application No. 8678-C, Holck)

Approved, JH/PR

Item 17. APPLICATION OF MAXINE HARRIS DBA COVE RIDGE WATER DISTRIBUTION SYSTEM for a Water Certificate of Convenience and Necessity in Rockwall County (Application No. 9125-C, Shires)

Approved, JH/PR

Item 18. APPLICATION OF EL TANQUE WATER SUPPLY CORPORATION for an Amendment to Water Certificate of Convenience and Necessity No. 11453 to Decertify a Portion of its Service Area in Starr County, TX (Application No. 9056-C, Holck)

Approved, JH/PR

Item 19. APPLICATION OF CENTRAL TEXAS UTILITIES, INC. to Amend Water CCN No. 11719, to include Azle West Forty Acres Subdivision transferred from Betzel Group, Inc. in Parker County (Application No. 9089-C, Carlson)

Approved, JH/PR

Item 20. APPLICATION NO. 5371 BY ROBERT BOURKE SIMPSON FOR A SECTION 11.121 WATER USE PERMIT APPLICATION. Applicant seeks authorization to divert 10 acre-feet of water per annum from an unnamed tributary of cypress Creek, Guadalupe River Basin for the irrigation of 10 acres of land in Hays County, approximately 24.4 miles west of San Marcos, Texas. (JORDAN/lb)

Approved, JH/PR

Item 21. APPLICATION NO. 5372 BY ROBERT K. LYNCH, DEBORAH A. LYNCH, KATHLEEN BLAIR LYNCH, M. D. LYNCH AND RAYMOND L. GIROUX. FOR COMMISSION ACTION. Applicants seek to divert 320 acre-feet of

water per annum from the Frio River, Nueces River Basin, to irrigate 180 acres of land in Uvalde County, approximately 33 miles north of Uvalde, Texas. (JORDAN/lb)

Approved, JH/PR

Item 22. CONSIDERATION OF AUTHORIZING THE EXECUTIVE DIRECTOR TO AMEND THE CONTRACT WITH ROY F. WESTON FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE REMEDIAL ACTION AT THE PESSES CHEMICAL SUPERFUND SITE.

Approved, PR/JH

UNCONTESTED OLD BUSINESS

Wednesday, October 16, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item carried forward from Agenda of July 24, 1991 and September 18, 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 23, 1991 at 3:00 p.m.

Item carried forward from Agenda of October 2, 1991.

- Item 2. APPLICATION BY THE CITY OF TOMBALL for renewal of Permit No. 10616-01 which authorizes the discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,500,000 gallons per day. The wastewater treatment facilities are at 615 East Huffsmith Road which is approximately 1400 feet due north of the intersection of Neal Street and East Huffsmith Road in Tomball in Harris County, Texas.

Approved, PR/JH

Item carried forward from Agenda of October 9, 1991.

- Item 3. 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 November 20, 1991 at 9:00 a.m.

ADDENDUM TO UNCONTESTED OLD BUSINESS

Wednesday, October 16, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item carried forward from October 16, 1991, 9:00 a.m. agenda.

- Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF WALLACE A. RAYNOR D/B/A RED BIRD MOBILE HOME PARK, OAK HILL MOBILE HOME PARK, ALTA VISTA MOBILE HOME PARK, SPRING LAKE MOBILE HOME PARK, AND SUN ACRES MOBILE HOME PARK, DOCKET NO. 9115-E. (Smith, D.)

Adopt Order as Proposed, JH/PR