

CONTESTED AGENDA

Wednesday, November 6, 1991

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item 1. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF APPEAL OF RIO WSC, EL TANQUE WSC AND EL SAUZ WSC TO THE INCREASE OF WHOLESALE WATER RATES BY STARR COUNTY WCID #2 IN STARR COUNTY, TEXAS, DOCKET NOS. 8978-A, 8979-A AND 9025-A. Respondent provides wholesale water service to approximately 3 wholesale customers. Recommendation: Approval of recommended interim rates. (Jackson)

Approved, Adopt Examiners Proposal For Decision and Overrule all Exceptions, BJW/PR

Item 2. CONSIDERATION OF PETITIONS BY THE BARTON SPRINGS POLAR CLUB AND SAVE BARTON CREEK ASSOCIATION REQUESTING THE COMMISSION TO DRAFT RULES AMENDING 31 TEXAS ADMINISTRATIVE CODE CHAPTER 313 AS IT RELATES TO THE BARTON SPRINGS SEGMENT OF THE CONTRIBUTING ZONE OF BARTON CREEK. (Smith, S.)

Continued to November 20, 1991 at 9:00 a.m.

Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER REQUIRING CERTAIN ACTIONS OF JARMON SWINE OPERATION FOR VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE, NO PERMIT. (Smith, S.)

Approve Staff Recommendation, BJW/JH

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF PAT G. CHAPMAN, PERMIT NO. 13184-01. (McCalla)

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

Item 5. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE APPLICATION OF HOWARD E. AND ROSA RATHBUN FOR PERMIT NO. 13540-001 to authorize the discharge of 25,000 gpd of treated domestic wastewater effluent in Brazoria County, Texas, and Segment No. 1102 of the San Jacinto-Brazos Coastal Basin. Recommendation: Issuance of permit. (Jackson)

Approved Adopt Examiners Proposal for Decision, BJW/PR

Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF PHOENIX OIL, INC. (BOB WARNEKE) (SWR# 32479)

Continued to January 8, 1992 at 9:00 a.m.

Item 7. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF SOUTHWESTERN MOTOR REBUILDERS, SWR NO. 52018. (Hahn)

Continued to January 15, 1992 at 9:00 a.m.

Item 8. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER REQUIRING CERTAIN ACTIONS OF LAST DAYS EVANGELICAL ASSOCIATION; PERMIT NO. 13496-01. (Smith, J.)

Issue Order as Proposed by Staff, BJW/PR

Item 9. CONSIDERATION OF TREATMENT ONE'S REQUEST FOR A TEMPORARY AUTHORIZATION TO CONTINUE OPERATIONS DURING THE TIME NECESSARY TO INSTALL CERTAIN AIR POLLUTION ABATEMENT EQUIPMENT AT ITS FACILITY LOCATED AT 5730 CHESWOOD, HOUSTON, TEXAS. (HW-50267) RENBARGER.

Approved as recommended by Staff, BJW/JH

Item 10. CONSIDERATION OF A PETITION FROM THE CROSS TIMBERS CONCERNED CITIZENS ORGANIZATION TO AMEND 31 TEXAS ADMINISTRATIVE CODE CHAPTER 321, SUBCHAPTER B TO ADD A DEFINITION FOR THE WORD "POLLUTION". (Martinez)

No Action Taken

Item 11. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO DISCUSS PENDING OR CONTEMPLATED LITIGATION, SETTLEMENT OFFERS, AND/OR THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL OF SPECIFIC COMMISSION EMPLOYEES, as permitted by TEX.REV.CIV.STAT.ANN. art 6252-17 Sections 2(e) and 2(g). No final action, decision or vote with regard to any matter considered in closed session shall be made in the absence of further notice issued in accordance with TEX.REV.CIV.STAT.ANN. art. 6252-17.

Briefed Commissioner's on Attorney Generals Decision on Catfish Farm and Edwards Acquiifer

CONTESTED OLD BUSINESS

Wednesday, November 6, 1991

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item carried forward from Agenda of August 14, 1991.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER REQUIRING CERTAIN ACTIONS OF ROYLE CONTAINER COMPANY, TOM WEST AND DELTA DISTRIBUTORS, INC., (FORMERLY KNOWN AS DELTA SOLVENTS AND CHEMICALS COMPANY, FORMERLY DOING BUSINESS AS DELTA CONTAINER). (Gonzalez)

Issue Agreed Order, BJW/PR

Item carried forward from Agenda of October 2, 1991.

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF GULF CHEMICAL AND METALLURGICAL CORPORATION, SWR NO. 30952. (Mehta)

Issue Agreed Order, BJW/JH

Item carried forward from Agenda of October 23, 1991.

- Item 3. 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)

Issue Agreed Order, BJW/JH

Item carried forward from Agenda of September 11, 1991 and October 23, 1991.

- Item 4. 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)

Issue Proposed Order, BJW/JH

UNCONTESTED AGENDA

Wednesday, November 6, 1991

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item 1. Employee Of The Month.

Laurie Lancaster

Item 2. APPLICATION BY BP CHEMICALS INC., GREEN LAKE PLANT for an amendment to Permit No. HW-50143-000 to authorize a change in the statistical procedure to be used for groundwater monitoring. The existing permit authorizes a landfill consisting of five cells (for post-closure only); a surface impoundment with a capacity of approximately 2,800,000 gallons (clean closed); two container storage areas with a combined capacity of approximately 33,000 gallons; an incinerator with a maximum feed rate of 2,500 pounds per hour; and a landfill consisting of sixteen cells. The facility is located on a 2,300-acre tract of land, adjacent to Highway 185, approximately 4 miles north of the intersection of Highway 185 and Highway 35 and approximately 15 miles west of Port Lavaca, Calhoun County, Texas.

Approved, JH/PR

Item 3. APPLICATION BY JERRY DAMRON DBA JERRY DAMRON DAIRY for a permit (Proposed Permit No. 03336) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 450 head in confinement. The dairy is located on the south side of County Road 323 at the intersection of County Road 300 and County Road 323 in Brown County, Texas.

Approved, JH/PR

Item 4. APPLICATION BY RONMAR GENERAL PARTNERSHIP for a permit (Proposed Permit No. 13569-01) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,500 gallons per day. The wastewater treatment plant is an existing facility whose previously issued permit has expired. The applicant is requesting a variance from the buffer zone requirements in to 31 TAC Section 309.13(e)(1)(c). The wastewater treatment facility will serve an office/warehouse and retail center. The plant site is on the northwest corner of Stuebner Airline Road and Mittelsteadt Road, between Farm-to-Market Road 1960 and Cypress Creek in Harris County, Texas.

Approved, JH/PR

Item 5. APPLICATION BY THE CITY OF PARIS for an amendment to Permit No. 10479-01 to authorize an increase in the discharge of decant water effluent from a volume not to exceed an average flow of 300,000 gallons per day to a volume not to exceed an average flow of 1,200,000 gallons per day. The water treatment facilities are on Lake Crook Road, approximately 1 mile west of U.S. Highway 271, directly east of Lake Crook Dam and north of the City of Paris, Lamar County, Texas.

Approved, JH/PR

Item 6. APPLICATION BY BELL HELICOPTER TEXTRON, INC. for renewal of Permit No. 00367 which authorizes a discharge of air conditioning condensate and stormwater at a volume not to exceed an average of dry weather flow 200,000 gallons per day from a plant which manufactures components for the aircraft industry and assembles complete helicopters. The plant is located at 600 E. Hurst Boulevard in the City of Fort Worth, Tarrant County, Texas.

Approved, JH/PR

Item 7. APPLICATION BY THE CITY OF HOUSTON for renewal of Permit No. 10495-53 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 4,000,000 gallons per day from the City of Houston WCID No. 51 Wastewater Treatment Facilities. The plant site is at 4900 Gallagher in the City of Houston, Harris County, Texas.

Approved, JH/PR

Item 8. APPLICATION BY THE CITY OF HOUSTON for renewal of Permit No. 10495-101 which authorizes the discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 3,710,000 gallons per day. The wastewater treatment facilities are on the south bank of Greens Bayou approximately 3,000 feet northeast of the intersection of Interstate Highway 45 and North Belt in Harris County, Texas.

Approved, JH/PR

Item 9. APPLICATION BY JETCO CHEMICALS, INC. for renewal of Permit No. 01667 which authorizes a discharge of uncontaminated stormwater runoff, cooling water, boiler blowdown, and steam condensate from an organic chemical manufacturing plant. The plant is located on the south side of State Highway 31 approximately 1.2 miles east of the intersection of State Highway 31 and Interstate Highway 45 in the City of Corsicana, Navarro County, Texas.

Approved, JH/PR

Item 10. APPLICATION BY CITY OF NEWARK for renewal of Permit No. 11626-01 which authorizes the discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 150,000 gallons per day. The wastewater treatment facilities are on the east bank of Derrett Creek immediately south of the Newark Beach Road Bridge, about 850 feet west of the intersection of Roger Road and Berke Street in Wise County, Texas.

Approved, JH/PR

Item 11. APPLICATION BY THE CITY OF SAN ANTONIO for renewal of Permit No. 10137-38 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 120,000 gallons. The wastewater treatment facilities are approximately 4500 feet northwest of the intersection of U.S. Highway 90 and Grosenbacher Road in Bexar County, Texas.

Approved, JH/PR

Item 12. APPLICATION BY TEXAS DEPARTMENT OF HIGHWAYS & PUBLIC

TRANSPORTATION for renewal of Permit No. 11325-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 3,000 gallons per day. The permit also authorizes the permittee to use the treated effluent to irrigate the grass median of Interstate Highway 45. The Southbound Rest Area Wastewater Treatment Facilities are on the west side of Interstate Highway 45, approximately 8.5 miles north of Huntsville in Walker County, Texas.

Continued to December 11, 1991

Item 13. APPLICATION BY REPUBLIC/MALOY LANDFILL AND SANITATION, INC. for a Temporary Order No. 91/14T to authorize a discharge of 1,500,000 gallons of ponded wastewater from a sump on the landfill property. The wastewater is to be discharged at a volume not to exceed a maximum flow of 400,000 gallons per day. The landfill is located at Route 1, Box 343, Campbell, in Hunt County, Texas.

Approved, JH/PR

Item 14. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO.255 FOR APPROVAL OF ESCROW RELEASE, USE OF SURPLUS FUNDS, AND CHANGE IN PLANS; \$3,100,000 BOND ISSUE APPROVED February 8, 1991. For Commission consideration and action. The District requests approval of a change in plans for water and wastewater treatment plant capacity, release of funds from escrow to purchase water and wastewater treatment plant capacity from Horsepen Bayou MUD, lease payments for water and wastewater treatment plant capacity and to defray operating costs and the use of surplus construction funds to defray operating costs.

Approved, JH/PR

Item 15. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 107 FOR APPROVAL TO USE SURPLUS FUNDS; \$1,150,000 BOND ISSUE APPROVED October 13, 1982; For Commission consideration and action. Applicant seeks approval for the use of \$229,581 in surplus funds to finance one year's lease payment for the District's wastewater treatment plant, construction of improvements to the ground storage tank, repairs to the water well, and repainting of the District's water treatment plant.

Approved, JH/PR

Item 16. APPLICATION BY MONTGOMERY COUNTY UTILITY DISTRICT NO. 4 FOR APPROVAL TO USE SURPLUS FUNDS; \$1,700,000 BOND ISSUE APPROVED May 13, 1988; For Commission consideration and action. Applicant seeks approval for the use of \$171,565 in surplus funds to finance the purchase of land for their wastewater treatment plant expansion, and the construction of modifications to a lift station.

Approved, JH/PR

Item 17. APPLICATION BY CNP UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL TO USE SURPLUS FUNDS; \$1,500,000 BOND ISSUE APPROVED April 6, 1981; For Commission consideration and action. Applicant seeks approval for the use of \$618,000 of surplus funds to finance repairs and maintenance items at each of the District's three water plants, their wastewater treatment plant, and some wastewater collection lines.

Approved, JH/PR

Item 18. APPLICATION BY FORT BEND COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2 FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS AND FOR THE USE OF SURPLUS FUNDS; \$312,250,000 BOND ISSUE APPROVED November 17, 1989. For Commission consideration and action. The District requests approval for the release of \$333,300 of escrowed funds from the 1989 series bond issue and the use of \$187,321 in surplus funds to finance the construction of a water main along US 90A.

Approved, JH/PR

Item 19. APPLICATION BY TRAIL OF THE LAKES MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$1,840,000 BOND ISSUE APPROVED May 11, 1978. For Commission consideration and action. The District is requesting the use of \$87,300 in surplus funds to construct treatment plant site improvements consisting of access road repairs, general grading and drainage improvements.

Approved, JH/PR

Item 20. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF DEAN MARTIN dba MATCO UTILITIES FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICE IN HARRIS COUNTY, TEXAS. (Docket No. 8742-C.) RECOMMENDATION: Issuance. (WOOD).

Issue Agreed Order, JH/PR

Item 21. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF HASKIN WATER UTILITY INC. TO INCREASE RETAIL WATER RATES IN BEXAR COUNTY, TEXAS (DOCKET NO. 9162-R). Applicant provides retail water service to approximately 340 customers. RECOMMENDATION: Adoption of agreement of parties. (SALLY COLBERT).

Issue Agreed Order, JH/PR

Item 22. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT OF SUBSTANTIAL NONCOMPLIANCE AND ORDER FINDING SUBSTANTIAL NONCOMPLIANCE AND FINDING NO FURTHER ACTION IS NECESSARY OF ALEDO INDEPENDENT SCHOOL DISTRICT. (13438-01) (CHONG)

Approved, JH/PR

Item 23. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT OF SUBSTANTIAL NONCOMPLIANCE AND ORDER FINDING SUBSTANTIAL NONCOMPLIANCE AND FINDING NO FURTHER ACTION IS NECESSARY OF CITY OF GOODLOW. (12616-01) (CHONG)

Approved, JH/PR

Item 24. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT OF SUBSTANTIAL NONCOMPLIANCE AND ORDER FINDING SUBSTANTIAL NONCOMPLIANCE AND FINDING NO FURTHER ACTION IS NECESSARY OF CITY OF GALENA PARK. (10831-02) (CHONG)

Approved, JH/PR

Item 25. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT OF SUBSTANTIAL NONCOMPLIANCE AND ORDER FINDING SUBSTANTIAL NONCOMPLIANCE AND FINDING NO FURTHER ACTION IS NECESSARY OF

CITY OF OMAHA. (10239-01) (CHONG)

Approved, JH/PR

- Item 26. CONSIDERATION OF AN AGREED ORDER CONCERNING THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF BRIDGEPORT, PERMIT NO. 10389-002. (Smith, J.)

Issue Order as Proposed, JH/PR

- Item 27. APPLICATION OF ROBERT L. SISK DBA LAKE FORK WATER SYSTEM for a Water Certificate of Convenience and Necessity in Rains County, TX (Application No. 9215-C, Fenner)

Approved, JH/PR

- Item 28. APPLICATION OF MAPLES GENERAL MAINTENANCE AND CONSTRUCTION, INC. DBA OLD HI WAY 90 WATER SERVICE for a Water Certificate of Convenience and Necessity and to decertify a portion of CCN No. 10217 of East Medina County Water Supply Corporation in Medina County, TX (Application No. 9081-C, Shires)

Approved, JH/PR

- Item 29. APPLICATION OF MCADOO WATER SUPPLY CORPORATION for Water and Sewer Certificates of Convenience of Convenience and Necessity in Dickens County, TX (Application No. 8787-C, Holck)

Approved, JH/PR

- Item 30. APPLICATION OF CITY OF LAMPASAS to amend Water Certificate of Convenience and Necessity No. 10455 in Lampasas County (Application No. 9137-C, Shires)

Approved, JH/PR

- Item 31. APPLICATION NO. 5373 BY GTE REALTY CORPORATION FOR A SECTION 11.121 WATER USE PERMIT. For Commission Action. Applicant seeks authorization to construct and maintain a dam and 26 acre-foot reservoir on Beaver Creek, Trinity River Basin, for in-place recreation use, approximately 12 northwest of the Dallas County Courthouse, Dallas, Dallas County, Texas. Initial fill water for the reservoir, evaporation make-up water and the water level of the pond will be derived from and maintained with water (sewage effluent) received from the Dallas County Utility and Reclamation District. (JORDAN/rma).

Approved, JH/PR

- Item 32. APPLICATION NO. 4591A BY WARREN'S TURF NURSERY, INC. TO AMEND PERMIT NO. NO. 4591. For Commission Action. Applicant seek an amendment to Water Use Permit No. 4591 to increase the amount of water authorized to be diverted and used from the Little River, Brazos River Basin, from 600 feet to 900 acre-feet of water per annum with no increase in the rate of diversion or number of acres to be irrigated, approximately 9 miles southwest of Cameron, Milan County, Texas. (JORDAN/wph).

Continued to December 11, 1991 at 3:00 p.m.

- Item 33. APPLICATION NO. 14-1086B BY LEWIS O. WOODWARD, JR. TO COMBINE THE WATER RIGHTS AUTHORIZED BY CERTIFICATE OF ADJUDICATION



NOS. 14-1086, AS AMENDED, AND 14-1088 UNDER CERTIFICATE NO. 14-1086, AS AMENDED AND TO AMEND CERTIFICATE 14-1086, AS AMENDED AND COMBINED For Commission action Applicants seek to combine the irrigation rights on the Colorado River in Runnels County authorized by the referenced certificates under Certificate No. 14-1086, as amended and to amend Certificate No. 14-1086, as amended and combined, to indicate a total authorization to use 32 acre-feet of water per year to irrigate 44 acres of land (Jordan;tls)

Approved, JH/PR

Item 34. APPLICATION NO. 23-116A BY HARLINGEN SHRIMP FARMS, LTD., TO AMEND CERTIFICATE NO. 23-116. For Commission Action. Applicant seeks an amendment to Certificate No. 23-116 to change the purpose of use for the 127.80 acre-feet of Class "B" irrigation water rights to 51.12 acre-feet water per annum from the Rio Grande for industrial purposes, to change the place of use to applicant's land in Cameron County and to change the diversion point to the facilities of Cameron County Irrigation District No. 6, approximately 5.5 miles northwest of Brownsville, Texas. (JORDAN/wph).

Approved, JH/PR

Item 35. CONSIDERATION OF ALL MOTIONS FOR REHEARING ON THE APPLICATION OF INTERCONTINENTAL ENERGY CORP. PERMIT #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. (This matter was considered on September 11, 1991.)

Motion For Rehearing Withdrawn