

CONTESTED AGENDA

Wednesday, December 4, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION & ORDER CONCERNING THE APPLICATION OF TEXAS UTILITIES MINING COMPANY FOR PERMIT NO. 03174 TO AUTHORIZE THE FLOW VARIABLE DISCHARGE IN TITUS COUNTY, TEXAS, AND SEGMENT NO. 0303 OF THE SULPHUR RIVER BASIN AND SEGMENT NO. 0404 OF THE CYPRESS RIVER BASIN. Recommendation: Issuance of permit. (LIMES).

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

Item 2. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF WILEY REYNOLDS & SONS DBA WALNUT CREEK ESTATES WATER SYSTEM FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICE IN , TEXAS. (Docket No. 8804-C). RECOMMENDATION: Issuance. (LIMES)

Issue Order as Proposed by Staff with changes as recommended by Chairman Hall, JH/PR

Item 3. CONSIDERATION OF THE PETITION OF STAFF WATER SUPPLY CORPORATION FOR THE REVIEW OF THE WHOLESALE WATER RATES OF THE CITY OF CARBON, DOCKET NO. 9240-M. (Smith, D.)

Remand to Office Hearings Examiner, JH/PR

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF PETE BELL CBA CROWLEY TWO ACRE WATER SYSTEM, DOCKET NO. 9121-E. (Hall)

Remand to Office Hearings Examiner, PR/JH

Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF SWIG WATER SUPPLY CORPORATION. (Hall)

Remand to Office Hearings Examiner, PR/JH

Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF AMOCO OIL COMPANY, SWR NO. 30139. (Hall)

Issue Agreed Order, PR/JH

Item 7. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF WEST TEXAS . PST FACILITY NO. 01757 (CELESTINO)

Continued to December 18, 1991 at 9:00 a.m.

Item 8. CONSIDERATION OF THE MOTION OF THE EXECUTIVE DIRECTOR TO AMEND

THE COMMISSION'S ORDER DATED AUGUST 10, 1990, CONCERNING THE CITY OF HEARNE. (Martinez)

Approve Staff Recommendations, JH/PR

Item 9. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF VENUS FOR VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE. (Martinez)

Continued to January 8, 1992 at 10:00 a.m.

Item 10. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR HEARING AND PETITION FOR ORDER REQUIRING CERTAIN ACTIONS OF MEL COKER, AND CONDITIONALLY REVOKING CLASS B WASTEWATER OPERATOR'S CERTIFICATE OF COMPETENCY NO. 463-58-4104. (Ray)

Continued to December 18, 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 HARRISON MULLINS, ID NO. E10019. (Mehta)

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

Item 12. LOWER COLORADO RIVER AUTHORITY SEEKS COMMISSION APPROVAL OF THEIR DROUGHT MANAGEMENT PLAN. For Commission Action. The authority seeks approval of its "Drought Management Plan for the Lower Colorado River" timely submitted as required by Commission Order of September 20, 1989 approving the authority's Water Management Plan. (JORDAN;tls)

Continued to December 18, 1991 at 9:00 a.m.

Item 13. 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, December 4, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of October 23, 1991.

- Item 1. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE PETITION OF SHARYLAND WATER SUPPLY CORPORATION TO REVIEW WHOLESALE WATER RATES IN HIDALGO COUNTY, TEXAS; DOCKET NO. 8293-M. Applicant provides retail sewer service to approximately 6,000 customers. Recommendation: Approval of petition, in part, as set forth in the Order. (Harris)

Continued to December 4, 1991 at 1:30 p.m.

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

- Item 2. 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)

Issue Agreed Order, JH/PR

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

- Item 3. 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 February 5, 1992 at 10:00 a.m.

Item carried forward from Agenda of October 30, 1991.

- Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF VIC COOPER DBA ROLLING HILLS SUBDIVISION, NO PERMIT. (McCalla)

Withdraw Petition, No Action Taken, JH/PR

Item carried forward from Agenda of October 30, 1991.

- Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER REQUIRING CERTAIN ACTIONS OF RONMAR GENERAL PARTNERSHIP (No Permit). (Ray)

Issue Agreed Order, JH/PR

Item carried forward from Agenda of October 30, 1991.

Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF SOUTHWESTERN REFINING CO., INC., SWR NO. 30033. (Hall)

Continued to January 22, 1992 at 10:00 a.m.

ADDENDUM TO CONTESTED OLD BUSINESS

Wednesday, December 4, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of October 9, and October 16, 1991 and November 20, 1991.

- Item 7. 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)

Issue Agreed Order, JH/PR

Item carried forward from Agenda of June 24, 1991 and November 20, 1991.

- Item 8. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TWC ORDER ASSESSING ADMINISTRATIVE PENALTIES OF LOWRY TANK & TERMINAL COMPANY, LOWENCO, INC., TINSE CHEMICAL COMPANY, INC. AND REQUIRING CERTAIN ACTIONS OF LOWRY TANK & TERMINAL COMPANY, LOWENCO, INC., AND TINSE CHEMICAL COMPANY, INC. AND EXXON CHEMICAL COMPANY. (ROBIN SMITH)

Continued to February 26, 1992 at 10:00 a.m.

Item carried forward from Agenda of June 24, 1991 and September 11, 1991, November 13, 1991, and November 20, 1991.

- Item 9. 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 December 4, 1991 at 3:00 p.m.

CONTESTED OLD BUSINESS

Wednesday, December 4, 1991

TEXAS WATER COMMISSION

1:30 p.m.
Room 118

Item carried forward from Agenda of October 23, 1991 and December 4, at 9:00 a.m.

- Item 1. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE PETITION OF SHARYLAND WATER SUPPLY CORPORATION TO REVIEW WHOLESALE WATER RATES IN HIDALGO COUNTY, TEXAS; DOCKET NO. 8293-M. Applicant provides retail sewer service to approximately 6,000 customers. Recommendation: Approval of petition, in part, as set forth in the Order. (Harris)

Adopt the Examiner's Proposal for Decision, Grant the Exception of Sharyland Regarding interest on overpayments, and modify the proposed order to provide that the rate set shall remain in effect until changed circumstances result in a different cost of service. Recommend that all other exceptions be overruled and that the proposed order be issued as modified setting rates at 11.21 cents per 1000 gallons. JH/PR

UNCONTESTED AGENDA

Wednesday, December 4, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 1. Employee Of The Month.

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

Item 2. APPLICATION BY MCLEOD FARMS, INC. for a permit (Proposed Permit No.03245) to authorize disposal of waste and wastewater from a cattle feedyard operation which consists of a maximum of 3,500 head in confinement. The cattle feedyard is on the east side of an unnamed county road, approximately 2.5 miles northeast of the intersection of Farm-to-Market Road 1598 and Farm-to-Market Road 1923 in Hutchinson County, Texas.

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

Item 3. APPLICATION BY ROBERT SKOV AND WILLIAM SKOV dba Paso Pork Producers for a permit (Proposed Permit No. 03378) to authorize disposal of wastes and wastewater from a swine operation. The operation will consist of a maximum of 4,500 feeder pigs in confinement. The swine operation is located on the west side of Interstate Highway 10 approximately four miles northwest of the intersection of Interstate Highway 10 and State Highway Spur 148 in Hudspeth County, Texas.

Approved, JH/PR

Item 4. APPLICATION BY GUY VISS for a permit (Proposed Permit No. 03362) to authorize disposal of wastes and wastewater from a dairy. The dairy will consist of a maximum of 900 total head. The dairy is on the south side of U.S. Highway 70, approximately 2 miles west of the intersection of Farm-to-Market Road 2910 and U.S. Highway 70 in Lamb County, Texas.

Approved, JH/PR

Item 5. The staff has initiated a minor amendment to Permit No. 02218 issued to ROBERT SKOV AND WILLIAM SKOV dba Paso Pork Producers in order to update the format and to include a specific term of five years. The permit authorizes disposal of wastes and wastewater from a swine operation which consists of a maximum of 720 sows with a maximum of 2,520 small pigs in confinement. The plant site is on the east side of Highway 80 approximately one mile south of the intersection of Highway 80 and County Road 1110 in El Paso County, Texas.

Approved, JH/PR

Item 6. APPLICATION BY CITY OF WALLIS for a minor amendment to Permit No. 10765-01 in order to add an interim phase. The interim phase would authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 200,000 gallons per day. The permit currently authorizes a discharge of not to exceed 498,000 gallons per day average, which will remain as the final phase. The wastewater treatment facilities are approximately 5000 feet northwest of

the intersection of Farm-to-Market Road 1093 and State Highway 36, just north of State Highway 36 in Austin County, Texas.

Approved, JH/PR

Item 7. APPLICATION BY GULF COAST MACHINE & SUPPLY COMPANY for an amendment to Permit No. 01203 to authorize a decrease in the discharge of process wastewater, treated domestic effluent and stormwater runoff from a volume not to exceed 1,000,000 gallons during any 24-hour period to a volume not to exceed 300,000 gallons during any 24-hour period. The plant site is approximately 800 feet east of the intersection of Interstate Highway 10 and Smith Road, and seven miles southwest of the City of Beaumont, Jefferson County, Texas.

Approved, JH/PR

Item 8. APPLICATION BY CITY OF HONDO for an amendment to Permit No. 10189-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 800,000 gallons per day to a volume not to exceed an average flow of 1,800,000 gallons per day. The plant site is in the southwest section of the City of Hondo, approximately 1,400 feet east of the intersection of Farm-to-Market Road 462 and 30th Street in Medina County, Texas.

Approved, JH/PR

Item 9. APPLICATION BY CITY OF LONGVIEW for an amendment to Permit No. 10589-02 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 13,900,000 gallons per day to a volume not to exceed an average flow of 16,500,000 gallons per day. The plant site is approximately 2,500 feet west of the crossing of Grace Creek by Farm-to-Market Road 1845, approximately 4,000 feet south of the intersection of Farm-to-Market Road 1845 and Farm-to-Market Road 2087 in Gregg County, Texas.

Approved, JH/PR

Item 10. APPLICATION BY CHEMICAL LIME - SOUTHWEST INC. for renewal of Permit No. 03041 which authorizes the disposal of process wastewater and contaminated stormwater from a limestone and lime manufacturing facility by evaporation and recycling. The disposal volume is variable with stormwater. The facility and evaporation ponds are located on Farm-to-Market Road 2602, 2 miles west of the intersection of FM 2602 and State Highway 6, approximately 4 miles south of Clifton, Bosque County, Texas.

Approved, JH/PR

Item 11. APPLICATION BY COASTAL BEND YOUTH CITY, INC. for renewal of Permit No. 11689-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 15,000 gallons per day. The wastewater treatment facilities are on the north side of U.S. Highway 77, approximately two miles north of the intersection of Farm-to-Market Road 655 and U.S. Highway 77 in Nueces County, Texas.

Approved, JH/PR

Item 12. APPLICATION BY CZECH CATHOLIC HOME FOR THE AGED for renewal of Permit No. 10935-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an

average flow of 6,000 gallons per day. The wastewater treatment facilities are approximately 1000 feet northwest of the intersection of U.S. Highway 59 and Farm-to-Market Road 441 (adjacent to Farm-to-Market Road 441) in Wharton County, Texas.

Approved, JH/PR

Item 13. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 266 for renewal of Permit No. 12292-01 which authorizes a discharge of treated domestic wastewater effluent in phases with a final volume not to exceed an average flow of 250,000 from gallons per day. The renewed permit would decrease the flow to 200,000 gallons per day average. The wastewater treatment facilities are approximately 6000 feet southwest of the intersection of U.S. Highway 59 and the North Belt Freeway and 750 feet south of the North Belt Freeway, north of the City of Houston in Harris County, Texas.

Approved, JH/PR

Item 14. APPLICATION BY CITY OF MINERAL WELLS for renewal of Permit No. 10585-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,920,000 gallons per day. The wastewater treatment facilities are southwest of the City of Mineral Wells at the crossing of Pollard Creek by 26th Street in Palo Pinto County, Texas.

Continued to February 5, 1992 at 9:00 a.m.

Item 15. APPLICATION BY PROCTER & GAMBLE MANUFACTURING COMPANY for renewal of Permit No. 00498 which authorizes flow variable discharges of stormwater from a soap and detergent processing plant. The plant is located at 3609 S. Lamar Street in the City of Dallas, Dallas County, Texas.

Approved, JH/PR

Item 16. APPLICATION BY TRINITY RIVER AUTHORITY OF TEXAS, SOUTHERN REGION for renewal of Permit No. 11298-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 260,000 gallons per day from the Onalaska Plant Wastewater Treatment Facilities. The facilities are located approximately 5,000 feet southwest of the intersection of U.S. Highway 190 and Farm-to-Market Road 3186, 1500 feet east of the City of Onalaska in Polk County, Texas.

Approved, JH/PR

Item 17. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF JAKE VANVLIET DBA HIGHLAND CATTLE CO. FOR PERMIT NO. 03360 TO AUTHORIZE THE DISPOSAL BY IRRIGATION IN ERATH COUNTY, TEXAS, AND SEGMENT NO.1223 OF THE BRAZOS RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (JACKSON).

Issued Agreed Order, JH/PR

Item 18. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF LAURA J. WILLIS DBA COWHEAD DAIRY FOR PERMIT NO. 03295 TO AUTHORIZE THE DISPOSAL BY IRRIGATION OF WASTE AND WASTEWATER FROM ITS DAIRY OPERATION IN JOHNSON COUNTY, TEXAS, AND SEGMENT NO. 1204 OF THE BRAZOS RIVER BASIN.

RECOMMENDATION: ISSUANCE OF PERMIT. (LIMES)

Issue Agreed Order, JH/PR

Item 19. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF TRUMAN LEE dba ENCHANTED LAKES WATER CO. TO INCREASE RETAIL WATER RATES IN SMITH COUNTY, TEXAS (DOCKET NO. 9164-G). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 190 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (LIMES)

Issued Agreed Order, PR/JH

Item 20. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF CEDAR SHORES WATER CORPORATION TO INCREASE RETAIL WATER RATES IN BOSQUE COUNTY, TEXAS (DOCKET NO. 9154-G). Applicant provides retail water service to approximately 123 customers. Recommendation: Adoption of agreement of parties. (SULLIVAN).

Issue Agreed Order, PR/JH

Item 21. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF PAYNE UTILITIES, INC. TO INCREASE RETAIL WATER RATES IN SAN JACINTO COUNTY, TEXAS (DOCKET NO. 8991-G). Applicant provides retail water service to approximately 104 customers. Recommendation: Adoption of agreement of parties. (PARKER).

Issue Agreed Order, PR/JH

Item 22. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF MERICHEM COMPANY FOR AN AMENDMENT TO PERMIT NO. 00485 TO 1) ADD NONCONTACT TOWER BLOWDOWN TO EXISTING WASTESTREAM 2) DELETE LIMITS FOR SULFIDE AND CHEMICAL OXYGEN DEMAND 3) CHANGE FLOW FROM CONTINUOUS TO INTERMITTENT FLOW VARIABLE DISCHARGE IN HARRIS COUNTY, TEXAS, AND SEGMENT NO. 1006 OF THE SAN JACINTO RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (PARKER).

Issue Agreed Order, JH/PR

Item 23. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF CANDLELIGHT SERVICE CO., INC. TO INCREASE RETAIL WATER AND SEWER RATES IN HARRIS COUNTY, TEXAS (DOCKET NO. 9045-R). APPLICANT PROVIDES RETAIL WATER AND SEWER SERVICE TO APPROXIMATELY 445 customers. RECOMMENDATION: Adoption of agreement of parties. (LIMES)

Issue Agreed Order, JH/PR

Item 24. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF HOUSTON MARINE SERVICES FOR AN AMENDMENT TO PERMIT NO. 02842 AND A RENEWAL OF PERMIT NO. 02842 TO AUTHORIZE THE DISCHARGE of 158,000 GPD OF STORMWATER AND TREATED TANK BOTTOM WASTEWATER IN HARRIS COUNTY, TEXAS, AND SEGMENT NO. 2430 OF THE BAYS AND ESTUARIES. RECOMMENDATION: ISSUANCE OF PERMIT. (SULLIVAN)

Issue Agreed Order, JH/PR

Item 25. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF HENRY C. SEALS, THE ACTING CHAPTER 11 TRUSTEE FOR THE BANKRUPTCY ESTATE OF RANDY JO HUNT, SR., AND

TERRIE LEA HUNT DBA HUNT'S FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICE IN BOSQUE & MCLENNAN COUNTY, TEXAS. DOCKET NOS. 7911-S, 7912-7913-T, & 7914-S. Recommendation: Adoption of agreement of parties. (SAHS)

Issue Agreed Order, PR/JH

Item 26. APPLICATION BY HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT-FONDREN ROAD FOR APPROVAL OF THE ISSUANCE OF \$700,000 IN UNLIMITED TAX BONDS, 7.82% NET EFFECTIVE INTEREST RATE, SERIES 1991, SIXTH ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$700,000 in tax bonds to finance repairs and rehabilitation of its wastewater collection system.

Approved, JH/PR

Item 27. APPLICATION BY TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 2 OF DENTON COUNTY FOR APPROVAL OF RELEASE OF ESCROWED FUNDS (INCLUDING EARNED INTEREST); \$3,735,000 BOND ISSUE APPROVED December 12, 1988 & \$2,400,000 BOND ISSUE APPROVED October 28, 1988. For Commission consideration and action. Applicant requests approval of the release of \$250,114 in escrowed funds and accrued interest to finance the purchase of additional wastewater treatment plant capacity and associated developer interest.

Approved, JH/PR

Item 28. APPLICATION BY KINGSBRIDGE MUNICIPAL UTILITY DISTRICT OF HARRIS AND FORT BEND COUNTIES FOR APPROVAL TO USE SURPLUS FUNDS; \$5,910,000 BOND ISSUE APPROVED July 12, 1985; For Commission consideration and action. Applicant seeks approval for the use of \$206,000 in surplus funds to finance repairs to the District's wastewater collection system.

Approved, JH/PR

Item 29. APPLICATION BY CLEAR BROOK CITY MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$2,975,000 BOND ISSUE APPROVED July 11, 1986. For Commission consideration and action. Applicant requests approval of the transfer of \$200,000 in surplus construction funds to debt service.

Approved, JH/PR

Item 30. APPLICATION BY GULFWAY UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL TO USE SURPLUS FUNDS; \$1,900,000 BOND ISSUE APPROVED October 27, 1980. For Commission consideration and action. The District requests approval for the use of \$800,000 in surplus funds from the 1981 series bond issue to finance the expansion of the District's water treatment plant.

Approved, JH/PR

Item 31. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 26 FOR APPROVAL TO USE \$61,550 IN SURPLUS FUNDS; \$1,250,000 BOND ISSUE APPROVED February 8, 1989. For Commission consideration and action. Applicant requests approval to use \$61,550 in surplus funds to finance costs for painting and rehabilitation of the District's idle wastewater treatment plant module.

Approved, JH/PR

Item 32. APPLICATION BY HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 136 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$900,000 BOND ISSUE APPROVED March 19, 1973. For Commission consideration and action. The District requests the approval to use \$119,555 in surplus funds to finance the cost of repainting the District's water supply facilities and replacing the motor control center at the District's water treatment plant.

Approved, JH/PR

Item 33. APPLICATION BY BLOCKHOUSE MUNICIPAL UTILITY DISTRICT OF WILLIAMSON COUNTY FOR APPROVAL OF A FIRE PROTECTION PLAN. For Commission consideration and action. The District requests approval of a proposed fire plan to contract for fire protection services with the Leander Volunteer Fire Department.

Approved, JH/PR

Item 34. APPLICATION OF JOHNNY R. ROMBS DBA SOUTH DAYTON OAKS WATER SYSTEM for a Water Certificate of Convenience and Necessity in Liberty County, TX (Application No. 9179-C, Holck)

Approved, JH/PR

Item 35. APPLICATION OF OAK RIDGE VENTURES, INC. for a Water Certificate of Convenience and Necessity (CCN) and to decertify a portion of the Certificate of Convenience and Necessity Number 10253 of Woodbine Water Supply Corporation (WSC) in Cooke County, TX (Application No. 9048-C, Fenner)

Approved, JH/PR

Item 36. APPLICATION OF PAUL AND RACHEL REESE DBA PERARE WATER SYSTEMS to Amend Water CCN No. 11806 to include Ponder Acres and Radeke Road Subdivisions transferred from Foster Properties, Inc.; to decertify the Radeke Road Subdivision from Bolivar Water Supply Corporation, CCN No. 11257, in Denton County; and to merge CCN No. 10252 with CCN No. 11257 to and cancel CCN No. 10252 of Bolivar Water Supply Corporation in Cooke County (Application No. 9110-C, Carlson)

Approved, JH/PR

Item 37. APPLICATION OF MULTI-COUNTY WATER SUPPLY CORPORATION for an Amendment to Water Certificate of Convenience and Necessity (CCN) Number 11525 and to Decertify a Portion of Coryell City Water Supply District, CCN Number 10453, in Hamilton, Coryell and Lampasas Counties, Texas (Application No. 8889-C, Holck)

Approved, JH/PR

Item 38. APPLICATION OF SALADO WATER SUPPLY CORPORATION to Transfer Water CCN No. 11218 from Southshore Division - Goodnight Homes, Inc.; Amend Water CCN No. 10879 to include area transferred, and; Cancel Water CCN No. 11218 in Bell County, TX (Application No. 9248-S, Carlson)

Approved, JH/PR

Item 39. APPLICATION OF PILOT POINT RURAL WATER SUPPLY, INC. to Transfer Water CCN No. 12097 from Billy Ray Pedigo et al dba Willow Glade Joint Venture; in Denton County, Texas

(Application No. 9144-S, Horst)

Approved, JH/PR

Item 40. APPLICATION OF HUNGERFORD MUNICIPAL UTILITY DISTRICT NO. 1 to Transfer Water CCN No. 12065 from Hungerford Water System; Cancel Water CCN No. 12065 in Wharton County, Texas (Application No. 9145-S, Erwin)

Approved, JH/PR

Item 41. NUNC PRO TUNC ORDER to Transfer Water Certificate of Convenience and Necessity Number 11544 from Wixon Water Supply Corporation to Wickson Creek Special Utility District in Brazos County, TX

Approved, JH/PR

Item 42. APPLICATION NO. 5379 BY LAKE JACKSON ASSOCIATION FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT. FOR COMMISSION ACTION. Applicant seeks authorization to maintain an existing 380 acre-feet capacity reservoir on an unnamed tributary of Oyster Creek, San Jacinto-Brazos Coastal Basin (on an old oxbow) for recreational purposes by the home- owners around the lake. Water is provided to maintain the reservoir by contract with Dow Chemical who releases water down the creek into a diversion canal. The lake is maintained at elevation 17.18 feet msl. in Brazoria County, approximately 8 miles south of Angleton, TX. (JORDAN/lb)

Approved, JH/PR

Item 43. APPLICATION NO. 12-5328B BY DOW CHEMICAL COMPANY TO AMEND CERTIFICATE NO. 12-5328, AS AMENDED. For Commission action. Applicant seeks authorization to convert 25 acre-feet of water per annum from the 58,200 acre-feet of water currently authorized for industrial and municipal uses to domestic and in-place recreation use (evaporation make-up water), Oyster Creek, San Jacinto-Brazos Coastal Basin, Brazoria County, Texas. (JORDAN:rma)

Approved, JH/PR

Item 44. APPLICATION NO. 5380 BY CHARLES R, JOHNSON FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT. For Commission consideration and action. Applicant seeks to construct a 9 acre-feet capacity off-channel reservoir adjacent to Maxwell Branch and to divert up to 20 acre-feet of water per annum from Maxwell Branch, Sabine River Basin, Rusk Co. for industrial purposes (crawfish farming), approximately 14.3 miles southeast of the Rusk County Courthouse in Henderson, Texas. (JORDAN;lb)

Approved, JH/PR

Item 45. APPLICATION NO. 5378 BY BALCONES COUNTRY CLUB MEMBERSHIP ASSOCIATION FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT APPLICATION. FOR Commission action. Applicant seeks authorization to impound 13 acre-feet of water in an existing dam and reservoir on an unnamed tributary of Bull Creek and to divert 60 acre-feet of water per annum to an off-channel reservoir for subsequent diversion for the irrigation of a golf course, approximately 11 miles north-northwest of the Travis County Courthouse, Austin, Travis County, Texas. The

reservoir will also be used for in-place recreation use.
(JORDAN:rma)

Approved, JH/PR

Item 46. APPLICATION NO. 5377 BY BRIARCLIFF PROPERTY OWNERS ASSOCIATION, INC. FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT APPLICATION. For Commission action. Applicant seeks authorization to maintain five dams and reservoirs with a total combined impounding capacity of 69.6 acre-feet of water on Cat Creek, tributary of the Colorado River (Lake Travis), Colorado River Basin, and to use the impounded water for in-place recreation purposes, approximately 20 miles northwest of Austin, Travis County, Texas. (JORDAN/wph).

Remand to Staff for further Administrative Processing

Item 47. APPLICATION NO. 23-2697A BY FRED BRUNI TO AMEND CERTIFICATE NO. 23-2697 For Commission action. Applicant seeks to amend the certificate to convert 125 acre-feet of Class "B" irrigation water (out of a 225 acre-feet total) to mining purposes, to change the place of use to Zapata and Webb Counties. Water is diverted from the Rio Grande, Rio Grande Basin. (JORDAN/lb)

Approved, JH/PR

Item 48. CONSIDERATION OF AN AMENDMENT TO AN AGREED ENFORCEMENT ORDER ISSUED AGAINST DALHO CORPORATION ON OCTOBER 22, 1991, PERMIT NO. 12117-01. (Ligarde)

Issue Amendment as Recommended, JH/PR

Item 49. CONSIDERATION OF APPROVING THE REPORTS, WASTE LOAD EVALUATION FOR SALADO CREEK IN THE SAN ANTONIO RIVER BASIN (SEGMENT 1910); WASTE LOAD EVALUATION FOR THE PEDERNALES RIVER IN THE COLORADO RIVER BASIN (SEGMENT 1414); WASTE LOAD EVALUATION FOR THE CONCHO RIVER IN THE COLORADO RIVER BASIN (SEGMENT 1421); WASTE LOAD EVALUATION FOR THE LEON RIVER BELOW BELTON LAKE IN THE BRAZOS RIVER BASIN (SEGMENT 1219); WASTE LOAD EVALUATION FOR THE ARANSAS RIVER ABOVE TIDAL IN THE SAN ANTONIO-NUECES COASTAL BASIN (SEGMENT 2004) AS ADOPTED REVISION TO THE STATE OF TEXAS WATER QUALITY MANAGEMENT PLAN. (B. MOULTON)

Approved, JH/PR

Item 50. CONSIDERATION OF RE-APPOINTMENT OF INDIVIDUALS TO SERVE ANOTHER TERM ON THE ADVISORY COMMITTEE FOR WASTEWATER OPERATOR CERTIFICATION WHICH WAS AUTHORIZED IN MAY 1987 TO ADVISE THE COMMISSION ON MATTERS RELATING TO ADMINISTRATION OF WASTEWATER OPERATOR CERTIFICATION PROGRAM, 31 TAC CHAPTER 325.1 - 325.15.

Approve Staff Recommendation, JH/PR

Item 51. CONSIDERATION OF THE ADOPTION OF NEW, AMENDED, AND REPEALED RULES TO 31 TEXAS ADMINISTRATIVE CODE, CHAPTER 305, SUBCHAPTER M, SECTIONS 305.501 - 305.504, CONCERNING THE WASTE TREATMENT INSPECTION FEE PROGRAM. (McCalla)

Adopt Rules as Proposed by Staff, JH/PR

Item 52. CONSIDERATION OF THE ADOPTION OF NEW RULES TO 31 TEXAS ADMINISTRATIVE CODE, SECTIONS 320.1 - 320.9, CONCERNING REGIONAL ASSESSMENTS OF WATER QUALITY. (Ligarde)

Adopt Rules as Proposed by Staff, PR/JH

Item 53. CONSIDERATION OF A REQUEST FOR AN ORDER APPOINTING A DIRECTOR TO THE BOARD OF DIRECTORS OF AUSTIN MUNICIPAL UTILITY DISTRICT NO. 1. (Keils)

Approve Staff Recommendation, JH/PR

Item 54. CONSIDERATION OF ALL MOTIONS FOR REHEARING ON THE PETITION OF NORTH RUNNELS WATER SUPPLY CORP APPEALING AN INCREASE IN WHOLESALE WATER RATES IN RUNNELS CO, TX BY THE CITY OF WINTERS. (DOCKET NOS. 8496-W & 9084-W) (This item was on October 16, 1991 agenda, at which time the Commission adopted Examiner's Proposal for Decision and Overruled all Exceptions)

MFR Denied, JH/PR

Item 55. CONSIDERATION OF A REQUEST BY FISCAL MANAGEMENT, PER S.B. 1095 FOR APPROVAL OF CERTAIN EMPLOYEES TO APPROVE VOUCHERS THE TEXAS WATER COMMISSION SUBMITS TO THE COMPTROLLER FOR PROCESSING.

Approve Staff Recommendation, PR/JH

Item 56. PRESENTATION OF CERTIFICATES OF APPRECIATION TO THE TASK FORCE 21 MEMBERS.

Presented Certificates to Task Force 21 members, JH/PR

Item 57. PRESENTATION OF CERTIFICATE OF APPRECIATION TO JOHN J. VAY FOR HIS SERVICES AS GENERAL COUNSEL TO THE COMMISSIONERS.

Presented to John Vay

Item 58. CONSIDERATION OF AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE CONTRACT AMENDMENT #1 TO THE CONTRACT BETWEEN TWC AND ROY F. WESTON FOR THE REMEDIAL DESIGN OF THE UNITED CREOSOTING SUPERFUND SITE.

Approve Staff Recommendation, JH/PR

Item 59. SELECTION OF A CONSULTANT AND AUTHORIZATION OF THE EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACT FOR A REMEDIAL INVESTIGATION/FEASIBILITY STUDY FOR THE HALL STREET STATE SUPERFUND SITE LOCATED NEAR DICKINSON, IN GALVESTON COUNTY, TEXAS.

Approve Staff Recommendation, JH/PR

EMERGENCY ADDENDUM TO UNCONTESTED AGENDA

Wednesday, December 4, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 60. CONSIDERATION OF THE ADOPTION OF NEW EMERGENCY RULES, 31 TEXAS ADMINISTRATIVE CODE, ASSESSMENT FEES (S.B. 818), SECTIONS 320.21-320.22, CONCERNING REGIONAL WATER QUALITY. (LIGARDE)

Adopt Rules as Proposed by Staff on Emergency basis with instructions from Chairman Hall, JH/PR

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

UNCONTESTED OLD BUSINESS

Wednesday, December 4, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item carried forward from Agenda of October 30, 1991.

- Item 1. APPLICATION BY DANNY AND JUANITA MOREAU DBA JUDGES MOBILE HOME PARK for renewal of Permit No. 13060-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 13,500 gallons per day. The wastewater treatment facilities are approximately 1/2 mile north-northwest of the intersection of John Ralston Road and U.S. Highway Road 90 in Harris County, Texas.

Approved, JH/PR

ADDENDUM TO UNCONTESTED OLD BUSINESS

Wednesday, December 4, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item carried forward from Agenda of June 24, 1991 and September 11, 1991, November 13, 1991, and November 20, 1991 and December 4, 1991 at 9:00 a.m.

Item 2. 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)

Issue Agreed Order, JH/PR