

CONTESTED AGENDA

Wednesday, December 18, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

- Item 1. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF CREEDMOOR-MAHA WSC FOR AN AMENDMENT TO CERTIFICATE OF CONVENIENCE AND NECESSITY No. 11029 TO EXPAND RETAIL WATER SERVICE IN TRAVIS AND CALDWELL COUNTIES, TEXAS. (DOCKET NO. 8871-C). RECOMMENDATION: ISSUANCE OF CCN. (ZUKAUCKAS)

Adopt Examiners Proposal for Decision and issue CCN with instructions to staff to bring a report on status of water loss within 90 days, and continued to December 18, 1991 at 3:00 p.m.

- Item 2. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE PETITION OF JEANA J. WERD dba WERD's WATER WORKS FOR CANCELLATION OF CCN NO. 12477 AND DISCONTINUE WATER UTILITY SERVICE TO HER CUSTOMERS IN TARRANT COUNTY, DOCKET NO. 8759-Q. RECOMMENDATION: DENIAL OF PETITION. (O'NEAL)

Approve Proposal for Decision and Deny Petition with report and plan from staff due within 60 days, February 19, 1992. PR/JH

- Item 3. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE PETITION OF THE EXECUTIVE DIRECTOR FOR A COMMISSION ORDER RESTRAINING JOHN C. CANGELOSI, JR. FROM ALLOWING OR CONTINUING RELEASE OR THREATENED RELEASE OF WASTE FROM THE HAGERSON RD. ABANDONED DRUM SITE IN FORT BEND COUNTY, TEXAS; ASSESSING ADMINISTRATIVE PENALTIES; AND REQUIRING CERTAIN ACTIONS OF JOHN C. CANGELOSI, JR. THE FACILITY IS LOCATED IN SEGMENT NO. 1202 OF THE BRAZOS RIVER BASIN. RECOMMENDATION: ISSUANCE OF ORDER. (WOOD)

Adopt Examiners Proposal for Decision, overrule all exceptions and issue order as proposed, with instructions to staff, 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 PAUL ROSENBERG DBA ROSEHILL RANCHETTES, FOR VIOLATION OF A COMMISSION ORDER ISSUED MARCH 19, 1991, IN DOCKET NO. 8595-G. (Keils)

Issue Order as Proposed, JH/PR

- Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF COASTAL REFINING AND MARKETING, INC., CONCERNING VIOLATIONS OF THE TEXAS SOLID WASTE DISPOSAL ACT, TEX. HEALTH AND SAFETY CODE ANN. CHAPTER 361 (VERNON PAMPH. 1991) AND THE RULES OF THE TEXAS WATER COMMISSION, PERMIT NO. 30530. (Montelongo)

Continued to 3:00 p.m.

- Item 6. APPLICATION BY HOMESTEAD MUNICIPAL UTILITY DISTRICT OF EL PASO COUNTY FOR APPROVAL OF THE LEVY OF A STANDBY FEE; For

Commission consideration and action. Applicant seeks approval for the levy of a monthly standby fee of \$10.32/ESFC to supplement the debt account.

Continued to 3:00 p.m.

Item 7. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF THREE RIVERS FOR WATER QUALITY VIOLATIONS IN NUECES COUNTY; NO PERMIT. (Smith, S.)

Issue Order as Proposed, PR/JH

Item 8. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S MOTION REQUESTING THE SETTING OF INTERIM RATES AND PROPOSED ORDER SETTING INTERIM RATES IN THE APPLICATION OF SUBURBAN UTILITIES, INC., FOR A RATE INCREASE, PARKER COUNTY, DOCKET NO. 9281-G. (Carlton)

Issue Proposed Order, JH/PR

Item 9. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S MOTION REQUESTING THE SETTING OF INTERIM RATES AND PROPOSED ORDER SETTING INTERIM RATES IN THE APPLICATION OF HANCO UTILITIES, INC., FOR A RATE INCREASE IN DENTON, HOOD, JOHNSON, PARKER AND TARRANT COUNTIES, DOCKET NO. 9298-R. (Carlton)

Issue Proposed Order, JH/PR

Item 10. CONSIDERATION OF PETITION OF RECLAMATION TECHNOLOGIES, INC. FOR RULEMAKING REGARDING SOURCE SEPARATION AND DISPOSAL OF NEW SCRAP GYPSUM WALLBOARD. (ALVARADO, M.)

Continued to January 15, 1992 at 10:00 a.m.

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.

No Action Taken

ADDENDUM TO CONTESTED AGENDA

Wednesday, December 18, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 12. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S MOTION REQUESTING THE SETTING OF INTERIM RATES IN THE APPLICATION OF BUTTERFIELD WATER SYSTEMS, INC., IN GRAYSON COUNTY, AND PROPOSED ORDER SETTING INTERIM RATES, DOCKET NO. 9305-G. (KEILS)

Issue Proposed Order, PR/JH

CONTESTED OLD BUSINESS

Wednesday, December 18, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of December 4, 1991.

- Item 1. 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)

Issue Agreed Order, JH/PR

Item carried forward from Agenda of December 4, 1991.

- Item 2. 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)

Issue Proposed Order, JH/PR

Item carried forward from Agenda of December 4, 1991.

- Item 3. 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)

Issue Agreed Order, PR/JH

Item carried forward from Agenda of December 4, 1991 and December 11, 1991.

- Item 4. 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 January 8, 1992 at 10:00 a.m.

UNCONTESTED AGENDA

Wednesday, December 18, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 1. APPLICATION BY ROLLINS ENVIRONMENTAL SERVICES (TX) INC. for a Class 3 Modification of Permit No. HW-50089 in accordance with 31 TAC, Section 305.69. The hazardous and non-hazardous industrial solid waste facility is located on an 86-acre tract of land, at 2027 Battleground Road, approximately one (1) mile south-southwest of the San Jacinto Monument in Deer Park, Harris County, Texas.

Approved, JH/PR

Item 2. APPLICATION BY QUANEX CORPORATION, GULF STATES TUBE DIVISIONS for a Class 2 Modification of Permit No. HW-50129-000 in accordance with 31 TAC, Section 305.69. The industrial solid waste management facility is located on an 82.3 acre tract of land on Scott Road near Rosenberg in Fort Bend County, Texas.

Approved, JH/PR

Item 3. APPLICATION BY LANE JONES for a permit (Proposed Permit No. 03408) to authorize the disposal of wastes and wastewater from a dairy. The dairy will consist of a maximum of 700 total head in confinement. The dairy is on the north side of an unnamed county road, approximately 2 miles north of State Highway 6, and approximately 6 miles west of the intersection of State Highway 6 and U.S. Highway 377 in Erath County, Texas.

Approved, JH/PR

Item 4. APPLICATION BY NEW QUEST dba New Quest Dairy for a permit (Proposed Permit No. 03391) to authorize disposal of wastes and wastewater from a dairy operation. The dairy will consist of a maximum of 600 milking head with a maximum total of 700 head. The dairy is approximately 2 and 1/4 miles northwest of the intersection of U.S. Highway 60 and Farm-to-Market Road 2590, in Randall County, Texas.

Approved, JH/PR

Item 5. APPLICATION BY WESTERN TOWING COMPANY for a permit (Proposed Permit No. 03349) to authorize the discharge of treated wastewater effluent at a volume not to exceed an average flow of 35,000 gallons per day. The plant site is approximately 0.5 mile north of Interstate Highway 10 on the Crosby-Lynchburg Road and on the east side of the San Jacinto River, Harris County, Texas.

Approved, JH/PR

Item 6. APPLICATION BY MR. J.K. STEWART for a minor amendment to Permit No. 01408 in order to allow the construction of two ponds to control open lot runoff from a dairy. The permit authorizes disposal of waste and wastewater from a dairy which consists of a maximum of 800 head. The dairy is on an unnamed

county road, approximately 1/2 mile northeast of Farm-to-Market Road 2269 and approximately 3 miles northwest of the intersection of Farm-to-Market Road 2269 and State Highway 36 in Milam County, Texas.

Approved, JH/PR

Item 7. APPLICATION BY CHANNEL SHIPYARD COMPANY, INC. for an amendment to Permit No. 03059 in order to add an additional outfall (Outfall 002) to regulate the discharge of treated wastewater at a volume not to exceed 50,000 gallons during any 24-hour period. The permit currently authorizes a discharge of treated wastewater via Outfall 001 at a volume not to exceed a maximum 5,000 gallons during any 24-hour period, which will remain the same. The plant site is at 999 S. Lynchburg Road in the City of Houston, Harris County, Texas.

Approved, JH/PR

Item 8. APPLICATION BY CITY OF COMMERCE for an amendment to Permit No. 10555-01 to authorize the temporary disposal of sludge into a sludge lagoon located at the treatment facility site. The permit authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 2,000,000 gallons per day. The plant site is approximately 0.5 mile south of the intersection of Charity Road and Farm-to-Market Road 3218, on the east side of Farm-to-Market Road 3218 in Hunt County, Texas.

Approved, JH/PR

Item 9. APPLICATION BY OPAL DURANT DBA RIDGE UTILITIES for an amendment to Permit No. 13025-01 in order to request a variance to the buffer zone requirements. The permit currently authorizes a discharge of treated domestic wastewater effluent in phases with the final volume not to exceed an average flow of 60,000 gallons per day. The wastewater treatment facilities are approximately 1700 feet northeast of the intersection of Hood County Road 311-A and Farm-to-Market Road 3210 southeast of the City of Granbury in Hood County, Texas.

Approved, JH/PR

Item 10. APPLICATION BY CITY OF GARLAND for an amendment to Permit No. 10090-02 to authorize the permittee to relocate the discharge point approximately 2,500 feet upstream for the interim II and final phases. The permit currently authorizes a discharge of treated domestic wastewater effluent in phases with the final volume not to exceed an average flow of 24,000,000 gallons per day. The wastewater treatment facilities are approximately 3,000 feet south of the intersection of State Highway 66 and Centerville Road and on the southeast corner where Missouri, Kansas & Texas Railroad tracks cross Centerville Road in Dallas County, Texas.

Approved, JH/PR

Item 11. APPLICATION BY CITY OF HOLLAND for an amendment to Permit No. 10897-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 100,000 gallons per day to a volume not to exceed an average flow of 200,000 gallons per day. The wastewater treatment facilities are approximately 0.5 mile

east of the intersection of Travis Street and U.S. Highway 95 in Bell County, Texas.

Approved, JH/PR

Item 12. APPLICATION BY NORTHWOODS MANAGEMENT, INC. for an amendment to Permit No. 13484-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 25,000 gallons per day to a volume not to exceed an average flow of 50,000 gallons per day from the wastewater treatment facilities. The plant site is located in the Northwood Industrial Park East, approximately 3,000 feet south and 4,500 feet east of the intersection of Farm-to-Market Road 529 and Addicks-Fairbanks Road in Harris County, Texas.

Approved, JH/PR

Item 13. APPLICATION BY UNION OIL COMPANY OF CALIFORNIA dba Unocal Beaumont Terminal for an amendment to Permit No. 00316 which currently authorizes discharges from a petroleum refinery of: (1) treated industrial wastewater via Outfall 001 at a volume not to exceed an average flow of 4,600,000 gallons per day; (2) treated process wastewater and domestic sewage via Outfall 002 at a volume not to exceed an average flow of 6,000,000 gallons per day; and (3) stormwater runoff via Outfalls 003 and 004. In order to reflect the plant becoming a bulk oil storage and shipment terminal, the proposed amendment would add Outfall 005 and change the waste streams regulated via Outfalls 001 and 002. The proposed amendment would authorize a discharge of: (1) treated industrial wastewater via Outfall 001 at a volume not to exceed an average flow of 2,500,000 gallons per day; (2) treated industrial wastewater via Outfall 002 at a volume not to exceed an average flow of 6,000,000 gallons per day; (3) stormwater runoff via Outfalls 003 and 004; and (4) steam condensate, fire protection system water and stormwater runoff via Outfall 005. One year after Outfall 005 becomes operational, Outfall 002 will decrease the volume to 1,080,000 gallons per day average. The plant site is on the north side of State Highway 366, approximately 1500 feet east of the State Highway 366/347 intersection and adjacent to the City of Nederland, Jefferson County, Texas.

Approved, JH/PR

Item 14. APPLICATION BY ASARCO INCORPORATED, AMARILLO COPPER REFINERY for renewal of Permit No. 01978 which authorizes an intermittent flow variable discharge of stormwater runoff and filter backwash water from a non-ferrous metals refinery. The plant is located at Highway 136 and Folsom Road, eight miles northeast of the City of Amarillo, Potter County, Texas.

Approved, JH/PR

Item 15. APPLICATION BY ASHBROOK-SIMON-HARTLEY CORPORATION for renewal of Permit No. 01536 which authorizes the discharge of hydrostatic test waters at a volume not to exceed 200,000 gallons during any 24-hour period from a plant that manufactures mechanical aeration equipment. A new outfall has been added to regulate the discharge of treated domestic wastewater effluent at a volume not to exceed 4,000 gallons per day average. The plant is at 11600 East Hardy Street (adjacent to the east side of Hardy Street between Collins Road on the south and Halls Bayou on the north) in the City of

Houston, Harris County, Texas.

Approved, JH/PR

Item 16. APPLICATION BY BLUE WATER OAKS PROPERTY OWNERS ASSOCIATION for renewal of Permit No. 11429-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 30,000 gallons per day. The wastewater treatment facilities are approximately 1000 feet west of the extreme southern shore of Lake Alvarado and approximately 3000 feet east of County Road 313 in Johnson County, Texas.

Approved, JH/PR

Item 17. APPLICATION BY CDC COATINGS COMPANY for renewal of Permit No. 02650 which authorizes a discharge of spent plating water and wash water at a volume not to exceed an average flow of 35,000 gallons per day from Outfall 001. The applicant operates a cold weld mechanical galvanizing facility. The facility is at 14820 Talcott, which is one block south of Interstate Highway 10, approximately eight miles east of the intersection of Interstate Highway 10 and Interstate Highway 610 East Loop in the City of Channelview, Harris County, Texas.

Approved, JH/PR

Item 18. APPLICATION BY STERN FEINBERG, SR. AND DR. CHARLES P. YARBROUGH for renewal of Permit No. 10981-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 65,000 gallons per day. The wastewater treatment facilities are approximately 500 feet northwest of the intersection of Interstate Highway 30 and U.S. Highway 71, on the north side of the City of Texarkana in Bowie County, Texas.

Approved, JH/PR

Item 19. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 25 for renewal of Permit No. 12003-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 500,000 gallons per day. The wastewater treatment facilities are approximately 2,900 feet east of Farm-to-Market Road 1464 and approximately 400 feet north of Old Richmond Road (Richmond-Gains Road) in Fort Bend County, Texas.

Approved, JH/PR

Item 20. APPLICATION BY CITY OF HOUSTON for renewal of Permit No. 10495-02 which authorizes a discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 48,000,000 gallons per day. The renewed permit would decrease the flow to 25,000,000 gallons per day average. The wastewater treatment facilities are at 9500 La Porte Road, adjacent to the confluence of Plum Creek with Sims Bayou in the City of Houston, Harris County, Texas.

Approved, JH/PR

Item 21. APPLICATION BY CITY OF KEENE for renewal of Permit No. 10611-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 355,000 gallons per day. The wastewater treatment facilities are immediately east of Farm-to-Market Road 2280 (North of Old

Betsy Road) and approximately 2000 feet north of Oakdale Street in Johnson County, Texas.

Approved, JH/PR

Item 22. APPLICATION BY CITY OF MCALLEN for renewal of Permit No. 10633-03 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed 10,000,000 gallons per day average from Plant No. 2. The permit also authorizes the permittee to use treated effluent for irrigation at an application not to exceed 4.2 acre-foot/acre/year. The plant is located at 4100 Idela, McAllen, Texas, approximately 2.5 miles southwest of the intersection of U.S. Highway 83 and Spur Highway 115 and approximately 1.5 miles west of Spur Highway 115 in the City of McAllen in Hidalgo County, Texas.

Approved, JH/PR

Item 23. APPLICATION BY TUBOSCOPE, INC. for renewal of Permit No. 12386-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 9,000 gallons per day. The wastewater treatment facilities are approximately 1/4 mile south of the intersection of Old Beaumont Highway and Sheldon Road, on the east side of Sheldon Road in Harris County, Texas.

Approved, JH/PR

Item 24. APPLICATION BY U.S. DEPARTMENT OF AGRICULTURE - FOREST SERVICE for renewal of Permit No. 12264-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 13,000 gallons per day from the wastewater treatment facilities. The facilities are approximately 0.9 mile southwest of the intersection of State Highway 7 and Farm-to-Market Road 227 and just north of State Highway 7 in Houston County, Texas.

Approved, JH/PR

Item 25. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF CITY OF GODLEY FOR AN AMENDMENT TO PERMIT NO. 10542-01 TO AUTHORIZE THE DISCHARGE OF NOT TO EXCEED 120,000 GPD OF TREATED DOMESTIC WASTEWATER EFFLUENT IN JOHNSON COUNTY, TEXAS, AND SEGMENT NO. 1228 OF THE BRAZOS RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (ZUKAUCKAS)

Adopt Proposal for Decision and Issue Order, PR/JH

Item 26. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDERS CONCERNING THE APPLICATIONS OF CITY OF PALESTINE FOR A CCN AND TO DECERTIFY NORWOOD WATER SUPPLY CORPORATION, DOCKET NO. 7934-C; AND NORWOOD WATER SUPPLY CORPORATION TO AMEND CCN NO. 10955, DOCKET NO. 7984-C, A CERTIFICATE OF CONVENIENCE AND NECESSITY (CITY OF PALESTINE 7934-C), AN AMENDMENT TO CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 10955 (NORWOOD) 7984-C TO PROVIDE WATER SERVICE IN ANDERSON COUNTY, TEXAS. (DOCKET NOS. 7934-C AND 7984-C). RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (COLBERT)

Adopt Proposal for Decision and Issue Order, PR/JH

Item 27. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE COMPLAINT AND PETITION FOR CEASE & DESIST AGAINST CITY OF

PALESTINE BY NORWOOD WATER SUPPLY CORPORATION, DOCKET NO. 7458-D. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (COLBERT)

Adopt Proposal for Decision and Issue Order, PR/JH

Item 28. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF TRES VIDAS, INC. FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICE IN HILL COUNTY, TEXAS. (DOCKET NO. 9041-C) RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (JACKSON)

Adopt Proposal for Decision and Issue Order, PR/JH

Item 29. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF BREEZE ADDITION WATER WORKS, INC. FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICE IN GUADALUPE COUNTY, TEXAS. (DOCKET NO. 8912-C). RECOMMENDATION: DISMISSAL PER AGREEMENT OF PARTIES. (SAHS)

Adopt Proposal for Decision and Issue Order dismiss with prejudice, PR/JH

Item 30. CONSIDERATION OF THE REQUEST FOR APPOINTMENT OF TEMPORARY DIRECTORS FOR LAKE TURNER MUD NO. 2. (Ligarde)

Approve Staff Recommendation, PR/JH

Item 31. CONSIDERATION OF THE REQUEST FOR APPOINTMENT OF TEMPORARY DIRECTORS FOR LAKE TURNER MUNICIPAL UTILITY DISTRICT NO. 3. (Ligarde)

Approve Staff Recommendation, PR/JH

Item 32. CONSIDERATION OF THE PETITION BY PERAMCO, INC., REQUESTING THAT GREGORY C. CARR, C. ROBERT WOOLSEY AND GARY N. YOUNG BE APPOINTED TO FILL VACANCIES ON THE BOARD OF DIRECTORS OF OAKMOUNT PUBLIC UTILITY DISTRICT IN HARRIS COUNTY. (Petrov)

Continued to January 22, 1992 at 9:00 a.m.

Item 33. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S MOTION REQUESTING THE SETTING OF INTERIM RATES AND PROPOSED ORDER SETTING INTERIM RATES IN THE APPLICATION OF SOUTHWEST UTILITIES, INC. IN BRAZORIA, HARRIS, LIBERTY, MATAGORDA AND MONTGOMERY COUNTIES, FOR A RATE INCREASE, DOCKET NO. 9296-R. (Carlton)

Approve Staff Recommendation, Issue Proposed Order, JH/PR

Item 34. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 345 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$2,730,000 BOND ISSUE APPROVED September 19, 1991. For Commission consideration and action. The District requests the approval to use \$100,000 in surplus funds to finance the remaining District's 70% share of the cost of water distribution facilities for Green Trails, Section 5 and Green Trails Park, Section 1 & 2.

Approve, JH/PR

Item 35. APPLICATION BY CY-CHAMP PUBLIC UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL TO USE SURPLUS FUNDS; \$3,160,000 BOND ISSUE APPROVED January 25, 1985. For Commission consideration and action. Applicant seeks approval to use \$100,000 in surplus funds to finance water, wastewater, drainage

improvements to serve Champions Park North Section Five, applicable engineering costs, clearing and grubbing cost, Harris County Flood Control District Impact Fees, and developer interest.

Approve, JH/PR

Item 36. APPLICATION BY FIRST COLONY MUNICIPAL UTILITY DISTRICT NO. 5 OF FORT BEND COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$1,700,000 BOND ISSUE APPROVED September 6, 1990. For Commission consideration and action. Applicant requests approval of the use of \$138,714 of surplus funds for water, wastewater and drainage facilities to serve Section One Phases One & Two.

Approve, JH/PR

Item 37. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 108 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$5,400,000 BOND ISSUE APPROVED May 9, 1991. For Commission consideration and action. Applicant requests approval of the use of \$160,600 of surplus funds for 40 master utility district connection charges for water, wastewater and drainage capacity to be paid to Fort Bend County MUD No. 106 as master utility district for Greatwood.

Approve, JH/PR

Item 38. APPLICATION BY HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 21 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$4,500,000 BOND ISSUE APPROVED April 11, 1990. For Commission consideration and action. Applicant requests approval of the use of \$184,500 of surplus funds for 8 & 10-inch force main diversion projects.

Approve, JH/PR

Item 39. APPLICATION BY NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 9 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$9,060,000 BOND ISSUE APPROVED September 20, 1984. For Commission consideration and action. Applicant requests approval of the transfer of \$125,000 in surplus construction funds to debt service.

Approve, JH/PR

Item 40. APPLICATION BY LAKEWAY MUNICIPAL UTILITY DISTRICT OF TRAVIS COUNTY FOR APPROVAL OF THE LEVY OF A STANDBY FEE; For Commission consideration and action. Applicant seeks approval to continue the levy of standby fees in the amount of \$3 per month for available water service and \$6 per month for available wastewater service to supplement the operation and maintenance account.

Remand to Office Hearings Examiner, JH/PR

Item 41. APPLICATION BY BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 5 FOR APPROVAL OF STANDBY FEE. For Commission consideration and action. Applicant requests approval to adopt and impose an annual total standby fee of \$289,965 to supplement the debt service account.

Continued to March 18, 1992 at 9:00 a.m.

Item 42. APPLICATION BY NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 29 FOR APPROVAL OF THE LEVY OF A STANDBY FEE; For Commission consideration and action. Applicant seeks approval for the levy of annual standby fees of \$48.05/ESFC to supplement the debt account and \$15.20/ESFC to supplement the operations and maintenance account.

Approve, JH/PR

Item 43. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 254 FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS; \$5,450,000 BOND ISSUE APPROVED November 25, 1984 & \$3,400,000 BOND ISSUE APPROVED July 16, 1986. For Commission consideration and action. Applicant requests approval of the release of \$221,717 of escrowed funds from the \$5,450,000 bond issue and the release of \$258,283 of escrowed funds from the \$3,400,000 bond issue for drainage contribution costs.

Approve, JH/PR

Item 44. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 222 FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS, \$4,750,000 BOND ISSUE APPROVED October 25, 1984. For Commission consideration and action. Applicant requests approval of the release of \$183,502 of escrowed funds for a pro rata share of South Wastewater Trunk Main costs.

Approve, JH/PR

Item 45. APPLICATION NO. 5383 BY MULTIVEST REAL ESTATE FUND LTD SERIES V FOR A WATER CODE SECTION 11.121 WATER USE PERMIT. FOR COMMISSION ACTION. Applicant seeks to maintain an existing, exempt dam and reservoir on Farmers Branch Creek, Trinity River Basin, for in-place recreation purposes by Greenhaven Village Apartments, approximately 11 northwest of Dallas, Dallas County, Texas. (JORDAN/lb)

Approve, PR/JH

Item 46. APPLICATION NO. 5381 BY BRETT BRATCHER FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT APPLICATION. FOR COMMISSION ACTION. Applicant seeks to divert 150 acre-feet of water per annum from the Guadalupe River, Guadalupe River Basin to maintain a wetland area as wildlife habitat, approximately 15 miles southwest of Port Lavaca, Texas. (JORDAN/lb)

Approve, PR/JH

Item 47. CONSIDERATION OF THE ADOPTION OF AMENDMENTS TO TITLE 31 TEXAS ADMINISTRATIVE CODE, SECTION 313.27, CONCERNING THE FEE SCHEDULES FOR FILING CERTAIN PLANS SUBJECT TO REVIEW BY THE COMMISSION UNDER ITS RULES FOR PROTECTION OF THE EDWARDS AQUIFER. (Smith, J.)

Adopt Amendments as Recommended, JH/PR

Item 48. CONSIDERATION OF THE REQUEST BY ROLLINS ENVIRONMENTAL SERVICES (TX), INC., FOR TEMPORARY AUTHORIZATION TO CONTINUE TO OPERATE THE SOUTH LANDFILL MIX FACILITY LOCATED IN HARRIS COUNTY BEYOND THE JANUARY 1, 1991 DATE FOR THE FACILITY IN ACCORDANCE WITH 31 TEXAS ADMINISTRATIVE CODE SECTION 305.69(e). (Celestino)

No Action Taken, Application Withdrawn

EMERGENCY ADDENDUM TO UNCONTESTED AGENDA

Wednesday, December 18, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 49. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF MONTGOMERY CO. MUNICIPAL UTILITY DISTRICT #42 TO LEVY STANDBY FEES IN MONTGOMERY COUNTY, TEXAS (IC #100290-D-01) APPLICANT PROVIDES RETAIL WATER AND SEWER SERVICE TO APPROXIMATELY 28 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (COLBERT)

Issue Agreed Order, PR/JH

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

UNCONTESTED OLD BUSINESS

Wednesday, December 18, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item carried forward from Agenda of December 4, 1991.

- Item 1. 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 January 22, 1992 at 9:00 a.m.

ADDENDUM TO UNCONTESTED OLD BUSINESS

Wednesday, December 18, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item carried forward from Agenda of December 18, 1991 at 9:00 a.m.

- Item 2. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF CREEDMOOR-MAHA WSC FOR AN AMENDMENT TO CERTIFICATE OF CONVENIENCE AND NECESSITY No. 11029 TO EXPAND RETAIL WATER SERVICE IN TRAVIS AND CALDWELL COUNTIES, TEXAS. (DOCKET NO. 8871-C). RECOMMENDATION: ISSUANCE OF CCN. (ZUKAUCKAS)

Adopt Examiner's Proposal for Decision and Issue order as amended, JH/PR

Item carried forward from Agenda of December 18, 1991 at 9:00 a.m.

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF COASTAL REFINING AND MARKETING, INC., CONCERNING VIOLATIONS OF THE TEXAS SOLID WASTE DISPOSAL ACT, TEX. HEALTH AND SAFETY CODE ANN. CHAPTER 361 (VERNON PAMPH. 1991) AND THE RULES OF THE TEXAS WATER COMMISSION, PERMIT NO. 30530. (Montelongo)

Issue Agreed Order, JH/PR

Item carried forward from Agenda of December 18, 1991 at 9:00 a.m.

- Item 4. APPLICATION BY HOMESTEAD MUNICIPAL UTILITY DISTRICT OF EL PASO COUNTY FOR APPROVAL OF THE LEVY OF A STANDBY FEE; For Commission consideration and action. Applicant seeks approval for the levy of a monthly standby fee of \$10.32/ESFC to supplement the debt account.

Remand to Office Hearings Examiner, JH/PR