

UNCONTESTED AGENDA

Wednesday, January 8, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. Employee of the Month.

Mike Meyer

Item 2. APPLICATION BY JIM BROUMLEY for a permit (Proposed Permit No. 03395) to authorize disposal of wastes and wastewater from a dairy operation. The dairy will consist of a maximum of 750 head. The dairy is on the south side of an unnamed county road approximately 2 miles southeast of the intersection of U.S. Highway 281 and State Highway 6 in Hamilton County, Texas.

Approved, JH/PR

Item 3. APPLICATION BY TIM COLLIER AND KEITH COLLIER for a permit (Proposed Permit No. 03367) to authorize the disposal of wastes and wastewater from a dairy. The dairy will consist of a maximum of 700 milking head with a maximum of 820 total head. The dairy is 3.0 miles southeast of the intersection of U.S. Highway 180 and U.S. Highway 84 in Scurry County, Texas.

Approved, JH/PR

Item 4. APPLICATION BY CITY OF MARBLE FALLS for a permit (Proposed Permit No. 10654-03) to authorize the disposal of treated domestic wastewater effluent by evaporation and by irrigation on a minimum of 234 acres of coastal bermuda grass over-seeded annually with winter rye. The disposal volume is not to exceed an average of 980,000 gallons per day from the wastewater treatment facility. The facility is on the southeast corner of the intersection of South 1st Street and Avenue L, in the City of Marble Falls, in Burnet County, Texas.

Approved, JH/PR

Item 5. APPLICATION BY BEN MESMAN DBA MESMAN DAIRY for a permit (Proposed Permit No. 03401) to authorize the disposal of wastes and wastewater from a dairy. The dairy will consist of a maximum of 500 milking cows with a maximum of 647 total head. The dairy is on the east side of an unnamed county road, approximately seven miles east of the intersection of Farm-to-Market 145 and U.S. Highway 84 in Parmer County, Texas.

Approved, JH/PR

Item 6. APPLICATION BY MARVIN RAUSCHUBER & SONS, INC. for a permit (Proposed Permit No. 03380) to authorize disposal of waste and wastewater from a dairy which will consist of a maximum of 320 head. The dairy is located on the north side of County Road 228 approximately one half mile east of the intersection of County Road 228 and U.S. Highway 35 in Cooke County, Texas.

Approved, JH/PR

Item 7. APPLICATION BY TED SIMPSON DBA TED SIMPSON DAIRY for a permit (Proposed Permit No. 03406) to authorize disposal of waste and wastewater from a dairy which will consist of a maximum of 500 head. The dairy is located approximately 1.8 miles north of the intersection of U.S. Highway 377 and U.S. Highway 183, and approximately 2.5 miles north-northeast of the City of Brownwood in Brown County, Texas.

Approved, JH/PR

Item 8. APPLICATION BY CITY OF TOYAH for a permit (Proposed Permit No. 13572-01) to authorize the disposal of treated domestic sewage effluent by evaporation. The disposal volume is not to exceed an average of 18,000 gallons per day. The Toyah Wastewater Treatment Facility is immediately adjacent to and west of an unnamed county road; approximately 0.5 mile north of the San Martine Draw Diversion; approximately 1.5 miles north-northwest of the intersection of Interstate Highway 20 and Farm-to-Market Road 2903; and approximately 11.3 miles west-southwest of the intersection of Interstate Highway 20 and Farm-to-Market Road 869 in Reeves County, Texas.

Approved, JH/PR

Item 9. APPLICATION BY CITY OF BELLVILLE for an amendment to Permit No. 10385-02 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 500,000 gallons per day to a volume not to exceed an average flow of 625,000 gallons per day. The plant site is one mile south-southwest of the intersection of State Highways 36 and 159 with Farm-to-Market Road 1456, at 307 W. Hickory in the City of Bellville, Austin County, Texas.

Approved, JH/PR

Item 10. APPLICATION BY CITY OF CORRIGAN for an amendment to Permit No. 10787-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 225,000 gallons per day to a volume not to exceed an average flow of 300,000 gallons per day. The plant site is approximately 2,900 feet northeast of the intersection of U.S. Highway 59 and State Highway 352 in Polk County,

Texas.

Approved, JH/PR

Item 11. APPLICATION BY HENK & ROELIE POST for an amendment to Permit No. 03126 which authorizes disposal of wastes and wastewater from a dairy. The proposed amendment would increase the maximum number of head from 510 head in confinement to 990 head in confinement. The dairy is located 2500 feet west of State Highway 37 on Country Road SW3110, approximately 3.5 miles south of the intersection of Interstate Highway 30 and State Highway 37 in Franklin County, Texas.

Approved, JH/PR

Item 12. APPLICATION BY BRENT CLAIBORNE for renewal of Permit No. 13142-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 25,000 gallons per day. The wastewater treatment facilities are on the west side of U.S. Highway 287, approximately 4500 feet southeast of its junction with State Highway 114 in Wise County, Texas.

Approved, JH/PR

Item 13. APPLICATION BY CITY OF EL CAMPO for renewal of Permit No. 10844-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,700,000 gallons per day. The wastewater treatment facilities are at 201 East Thompson Street in the City of El Campo in Wharton County, Texas.

Approved, JH/PR

Item 14. APPLICATION BY CITY OF GARRISON for renewal of Permit No. 11304-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 120,000 gallons per day. The wastewater treatment facilities are located 0.25 mile east of U.S. Highway 59 and 0.25 mile north of Farm-to-Market Road 138 in the City of Garrison in Nacogdoches County, Texas.

Approved, JH/PR

Item 15. APPLICATION BY HUNGERFORD MUNICIPAL UTILITY DISTRICT NO. 1 for renewal of Permit No. 13240-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 80,000 gallons per day. The wastewater

treatment facilities are approximately 250 feet northwest of the intersection of West Live Oak Road and Habermacher Street, approximately 1/2 mile north-northwest of the intersection of State Highway 60 and Farm-to-Market Road 1161 in Wharton County, Texas.

Approved, JH/PR

Item 16. APPLICATION BY K.W. POUND DBA OAKRIDGE MOBILE HOME PARK for renewal of Permit No. 13376-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 9,500 gallons per day. The wastewater treatment facilities are on Bethesda Road, approximately 1/4 mile east of the Bethesda Road overpass on Interstate Highway 35, approximately 5 miles southeast of the City of Burleson in Johnson County, Texas.

Approved, JH/PR

Item 17. APPLICATION BY TOWN OF RANSOM CANYON for renewal of Permit No. 10778-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 410,000 gallons per day. The plant site is approximately 1.2 miles west of Farm-to-Market Road 400 and approximately 4.8 miles south of Farm-to-Market Road 40, east of the City of Lubbock, in Lubbock County, Texas.

Approved, JH/PR

Item 18. APPLICATION BY CITY OF STAMFORD for renewal of Permit No. 10472-01 which authorizes the discharge of settled filter backwash wastewaters at a volume not to exceed an average flow of 50,000 gallons per day from a potable water treatment plant. The plant is between Winborne and Bunkley Streets and between Hobart and Orient Streets in the City of Stamford, Jones County, Texas.

Approved, JH/PR

Item 19. APPLICATION BY CITY OF TEMPLE for renewal of Permit No. 10470-02 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 5,000,000 gallons per day from the Doshier Farm Wastewater Treatment Facilities. The plant site is on the west side of State Highway Loop 363, approximately one mile south of the intersection of State Highway 53 and State Highway Loop 363 in Bell County, Texas.

Approved, JH/PR

Item 20. APPLICATION BY TEXAS A&M UNIVERSITY SYSTEM for renewal of Permit No. 11345-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an

average flow of 1,500 gallons per day from the Research and Extension Center Wastewater Treatment Facilities. The plant site is on the south side of State Highway 44, approximately 1 mile west of the intersection of State Highway 44 and Farm-to-Market Road 2292 in Nueces County, Texas.

Approved, JH/PR

Item 21. APPLICATION BY U.S. DEPARTMENT OF AGRICULTURE - FOREST SERVICE for renewal of Permit No. 12265-01 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 south of Coldspring, Texas in the Double Lake recreation area of the Sam Houston National Forest, approximately 1.25 miles southeast of the intersection of Farm-to-Market Road 2025 and Forest Road 210 in San Jacinto County, Texas.

Approved, JH/PR

Item 22. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF GARDEN WATER SUPPLY CO., INC. TO INCREASE RETAIL WATER RATES IN TRAVIS COUNTY, TEXAS (DOCKET NO. 9190-G). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 78 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (O'NEAL).

Adopt Examiner's Proposal for Decision and Issue Agreed Order, JH/PR

Item 23. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF E.M. KELLER & COMPANY, INC. TO INCREASE RETAIL WATER RATES IN GRAY COUNTY, TEXAS (DOCKET NO. 9094-G). Applicant provides retail water service to approximately 4 customers. Recommendation: Approval of rate increase. (Wood).

Adopt Examiner's Proposal for Decision and Issue Agreed Order, JH/PR

Item 24. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF WIMBERLEY WATER SUPPLY CORPORATION FOR AN AMENDMENT TO CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 10314 TO PROVIDE WATER SERVICE IN HAYS COUNTY, TEXAS. (DOCKET NO. 9445-C). RECOMMENDATION: Adoption of agreement of parties. (O'NEAL)

Adopt Examiner's Proposal for Decision and Issue Agreed Order, JH/PR

Item 25. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF WALKER WATER WORKS, INC. TO INCREASE RETAIL WATER RATES IN BRAZORIA COUNTY, TEXAS (DOCKET NO. 9153-R). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 508 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (WOOD).

Adopt Examiner's Proposal for Decision and Issue Agreed Order, JH/PR

Item 26. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF HIGHLAND SHORES UTILITIES COMPANY TO INCREASE RETAIL WATER RATES IN HARRIS COUNTY, TEXAS (DOCKET NO. 7963-G). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY NINE CUSTOMERS. RECOMMENDATION: Adoption of agreement of parties. (COLBERT)

Adopt Examiner's Proposal for Decision and Issue Agreed Order, PR/JH

Item 27. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE PETITION OF THE EXECUTIVE DIRECTOR OF THE TEXAS WATER COMMISSION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF IRENE M. DIKES, PERMIT NO. 0308, IN ERATH COUNTY, TEXAS. RECOMMENDATION: Issuance of Agreed Order. (WOOD)

Adopt Examiner's Proposal for Decision and Issue Agreed Order, PR/JH

Item 28. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF NORTHWEST HARRIS COUNTY MUD #36 FOR PERMIT NO. 13573-001 TO AUTHORIZE THE DISCHARGE OF 200,000 GPD OF TREATED DOMESTIC WASTEWATER EFFLUENT IN HARRIS COUNTY, TEXAS, AND SEGMENT NO. 1009 OF THE SAN JACINTO RIVER BASIN. RECOMMENDATION: Issuance of permit. (SULLIVAN)

Adopt Examiner's Proposal for Decision and Issue Order, JH/PR

Item 29. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF CROCKETT COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 1 FOR PERMIT NO. 10059-01 TO AUTHORIZE THE DISCHARGE OF 500,000 GPD OF TREATED DOMESTIC WASTEWATER EFFLUENT IN CROCKETT COUNTY, TEXAS, AND SEGMENT NO. 2309 OF THE RIO GRANDE RIVER BASIN. RECOMMENDATION: Leave renewal permit in place. (ZUKAUCKAS)

Adopt Examiner's Proposal for Decision and Issue Order, JH/PR

Item 30. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF JACK & MARTY MEWBOURN FOR AN AMENDMENT TO PERMIT NO. 03056 THAT AUTHORIZES THE APPLICANTS TO INCREASE THE NUMBER OF CATTLE AT THEIR DAIRY FROM A MAXIMUM OF 500 HEAD TO A MAXIMUM OF 800 HEAD IN CONFINEMENT. THE DAIRY IS LOCATED IN VAN ZANDT COUNTY, TX, & SEGMENT NO. 0605 OF THE NECHES RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (WOOD).

Adopt Examiner's Proposal for Decision and Issue Order, JH/PR

Item 31. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF SOUTHWEST UTILITIES, INC. FOR A RENEWAL OF PERMIT NO. 10694-01 TO AUTHORIZE THE DISCHARGE OF 100,000 GPD OF TREATED DOMESTIC WASTEWATER EFFLUENT IN HARRIS COUNTY, TEXAS, AND SEGMENT NO. 1006 OF THE SAN JACINTO RIVER BASIN.

RECOMMENDATION: ISSUANCE of PERMIT. (PARKER)

Adopt Examiner's Proposal for Decision and Issue Order, JH/PR

Item 32. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF CITY OF HOUSTON FOR AN AMENDMENT TO PERMIT NO.10495-119 TO AUTHORIZE THE DISCHARGE OF 23,100,000 gpd OF TREATED DOMESTIC WASTEWATER EFFLUENT IN HARRIS COUNTY, TEXAS, AND SEGMENT NO. 1007 OF THE SAN JACINTO RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (PARKER)

Adopt Examiner's Proposal for Decision and Issue Order, JH/PR

Item 33. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF ATOCHEM NORTH AMERICA, INC. FOR AN AMENDMENT TO PERMIT NO. 01393 TO AUTHORIZE THE DISCHARGE OF TREATED INDUSTRIAL WASTEWATER EFFLUENT IN BRAZOS COUNTY, TEXAS AND SEGMENT NO. 1209 OF THE BRAZOS RIVER BASIN. APPLICANT ALSO SEEKS TO RECLASSIFY THE WASTE STREAM. RECOMMENDATION: ISSUANCE OF PERMIT. (LIMES)

Adopt Examiner's Proposal for Decision and Issue Order, JH/PR

Item 34. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PROPOSED ORDER IN THE MATTER OF THE REQUEST OF WADSWORTH WATER SUPPLY CORPORATION FOR AN ORDER AUTHORIZING COMMENCEMENT OF CONSTRUCTION PURSUANT TO SECTIONS 26.019 AND 26.027(c) OF THE TEXAS WATER CODE AND GRANTING A CONDITIONAL VARIANCE TO THE BUFFER ZONE REQUIREMENTS OF 31 TEXAS ADMINISTRATIVE CODE SECTION 309.13(e), PERMIT NO. 12618-01. (Carlton)

Issue Proposed Order, JH/PR

Item 35. 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 MURCHISON (PERMIT NO. 11816-01) (CHONG).

Issue Proposed Order, PR/JH

Item 36. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT OF SUBSTANTIAL NONCOMPLIANCE AND ORDER FINDING SUBSTANTIAL NONCOMPLIANCE AND FINDING NO FURTHER ACTION IS NECESSARY OF UNION PACIFIC RAILROAD CO. (PERMIT NO. 12236-01 EXPIRED DBA PARK SPRINGS). (CHONG)

Issue Proposed Order, PR/JH

Item 37. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT OF SUBSTANTIAL NONCOMPLIANCE AND ORDER FINDING SUBSTANTIAL NONCOMPLIANCE AND FINDING NO FURTHER ACTION IS NECESSARY OF CLAYTON, WILLIAMS & SHERWOOD, INC,.(PERMIT NO. 13043-01) (MEYER)

Issue Proposed Order, PR/JH

Item 38. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 255 FOR APPROVAL OF A \$1,060,000 UNLIMITED TAX SECOND BOND ISSUE, 8.699% NET EFFECTIVE INTEREST RATE. For Commission consideration and action. The District's application requests Commission approval of a bond issue to finance a water distribution system to serve Twin Lakes Section 1, land acquisition for an offsite drainage easement & detention pond, a water interconnect with Horsepen Bayou MUD, renovation of a pilot channel, concrete work for a channel, water, wastewater, & drainage facilities to serve the Twin Lakes Section 2, Phase I subdivision.

Approved, PR/JH

Item 39. APPLICATION BY THE WOODLANDS MUNICIPAL UTILITY DISTRICT NO. 2 OF MONTGOMERY COUNTY FOR APPROVAL OF THE ISSUANCE OF \$1,015,000 IN UNLIMITED TAX BONDS, 8.17% NET EFFECTIVE INTEREST RATE, SERIES 1992, THIRD ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$1,015,000 in tax bonds to finance water supply & wastewater treatment plant capacity changes, shared water and wastewater trunk costs, a drainage corrections project, and water, wastewater & drainage facility for Village of Grogan's Mill Section 49.

Approved, PR/JH

Item 40. APPLICATION BY CHIMNEY HILL MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$5,310,000 BOND ISSUE APPROVED April 3, 1984. For Commission consideration and action. The District's application requests Commission approval for the use of \$163,638 in surplus funds to finance a lift station and force main project.

Approved, PR/JH

Item 41. APPLICATION BY WINDFERN FOREST UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$1,805,000 BOND ISSUE APPROVED August 19, 1981. For Commission consideration and action. The District is requesting the use of \$113,250 in surplus funds to finance the Jersey Village Regional Wastewater Treatment Plant dechlorination facility project, improvements to Lift Stations Nos. 1 and 2, and improvements to the water plant.

Approved, PR/JH

Item 42. APPLICATION BY ELKINS LAKE MUNICIPAL UTILITY DISTRICT OF WALKER COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$1,385,000 BOND ISSUE APPROVED June 11, 1979. For Commission consideration and action. Applicant requests approval of the transfer of \$99,965 in surplus construction funds to debt

service.

Approved, PR/JH

Item 43. APPLICATION BY BLUE RIDGE WEST MUNICIPAL UTILITY DISTRICT OF FORT BEND COUNTY FOR APPROVAL OF A CHANGE IN PLANS & THE RELEASE OF ESCROWED FUNDS; \$1,825,000 BOND ISSUE APPROVED March 13, 1984. For Commission consideration and action. The District requests approval for a change in plans for escrowed funds and the release of \$161,000 from escrow to finance the remaining costs relative to modifying the District's wastewater treatment plant to meet permit and regulatory requirements and to correct existing operational problems.

Approved, PR/JH

Item 44. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 154 FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS; \$5,500,000 BOND ISSUE APPROVED December 29, 1983. For Commission consideration and action. The District has requested the release of \$5,070 from escrow to finance the installation of a bar screen at the District's wastewater treatment plant.

Approved, PR/JH

Item 45. APPLICATION OF OAK RIDGE WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Blanco County, TX (Application No. 8816-C, Shires)

Approved, PR/JH

Item 46. APPLICATION OF WESTRIDGE WATER COMPANY, INC. DBA WESTRIDGE WATER COMPANY for a Water Certificate of Convenience and Necessity in Hale County, TX (Application No. 9204-C, Holck)

Approved, PR/JH

Item 47. APPLICATION OF CHAMBERS & PHILLIPS, INC. for a Water Certificate of Convenience and Necessity in Van Zandt County, TX (Application No. 8815-C, Holck)

Approved, PR/JH

Item 48. APPLICATION OF ODIE NEHRING DBA WEIR WATER WORKS to Transfer Water CCN No. 11400, to Amend Water CCN No. 11977; Cancel Water CCN No. 11400 in Williamson County, TX (Application No. 9260-S, Erwin)

Approved, PR/JH

Item 49. APPLICATION OF ROBERT H. AND MELBA E. GAFFORD DBA GAFFORD WATER SYSTEM to Transfer Water CCN No. 12096 in Kleburg County, TX (Application No. 9174-S, Erwin)

Approved, PR/JH

Item 50. APPLICATION OF WILLIAM AND JUANITA JOHNSON AND FLOYD AND ANNIE TURPIN DBA NORTH WHISPERING MEADOWS WATER SYSTEM for a Water Certificate of Convenience and Necessity and to Decertificate a portion of Certificate of Convenience and Necessity No. 10081 of Johnson County Rural Water Supply Corporation in Johnson County, TX Application No. 8715-C, Shires)

Approved, PR/JH

Item 51. APPLICATION OF JAMES H. BERRY DBA B & B WATER for a Water Certificate of Convenience and Necessity in Parker County, TX (Application No. 9195-C, Holck)

Approved, PR/JH

Item 52. APPLICATION OF CADDO-MESA WATER SUPPLY CORPORATION for a water Certificate of Convenience and Necessity and to decertify a portion of Cash Water Supply Corporation, Certificate of Convenience and Necessity Number 10824, in Hunt County, TX (Application No. 8749-C, Holck)

Approved, PR/JH

Item 53. APPLICATION OF CLINT HANKINS DBA TRI-COUNTY UTILITIES, INC. to Transfer a Portion of Water CCN No. 11967 from Walter Clint Hankins dba Tri-County Utilities; Amend Water CCN No. 12512; in Denton, Hood, Johnson, Parker, and Tarrant Counties, Texas; Cancel all of 11967 including Clark Road area currently being served by the City of Fort Worth, TX (Application No. 7968-T, Wiley)

Approved, PR/JH

Item 54. APPLICATION OF MARK SHELTON, BILL BOOMER AND D. R. SATTERWHITE DBA MOHAWK WATER COMPANY to Transfer CCN No. 10912 from Clarence T. Key and D. R. Satterwhite dba Mohawk Water Company in Johnson and Tarrant Counties, TX (Application No. 9142-S, Erwin)

Approved, PR/JH

Item 55. APPLICATION OF WINDY HILL UTILITIES, INC. to Transfer Water CCN No. 12062 from John D. Hicks dba Cypress Hill Water System; Amend Water CCN No. 12085; Cancel Water CCN No. 12062 in Harris County, TX (Application No. 9080-S, Horst)

Approved, PR/JH

Item 56. APPLICATION OF CITY OF JOURDANTON to amend Water Certificate of Convenience and Necessity No. 12039 in Atascosa County, TX (Application No. 9272-C, Holck)

Approved, PR/JH

Item 57. APPLICATION OF RUSK RURAL WATER SUPPLY CORPORATION (WSC) for an Amendment to Water Certificate of Convenience and Necessity (CCN) No. 10785 and to Decertificate Portions of Dialville-Oakland WSC, CCN No. 10802, and Alto Rural WSC, CCN No. 10783 in Cherokee County, TX (Application No. 9232-C, Holck)

Approved, PR/JH

Item 58. APPLICATION OF YANCEY WATER SUPPLY CORPORATION for an Amendment to Water Certificate of Convenience and Necessity No. 11453 in Frio and Medina Counties, TX (Application No. 9076-C, Holck)

Approved, PR/JH

Item 59. APPLICATION OF TOMMY D. NEASBITT DBA T. L. C. WATER SYSTEM to Discontinue Water Utility Service in Grayson County, TX (Application No. 9234-Q, Fenner)

Approved, PR/JH

Item 60. APPLICATION OF SAGINAW PARK UTILITY COMPANY, INC. for a Sewer Certificate of Convenience and Necessity in Tarrant County, TX (Application No. 9213-C, Shires)

Approved, PR/JH

Item 61. APPLICATION NO. 5384 BY E. R. O. DEVELOPMENT COMPANY, INC. FOR A WATER USE PERMIT PURSUANT TO SECTION 11.143 OF THE TEXAS WATER CODE. For Commission action. Applicant seeks to modify and maintain an existing dam and reservoir on an unnamed tributary of Bear Creek, Trinity River Basin. The reservoir will have a modified capacity of 7.2 acre-feet and will be used for in-place recreational purposes, approximately 15 miles northwest of Fort Worth, Tarrant County, Texas. (JORDAN:rma)

Approved, PR/JH

Item 62. APPLICATION NO. 5385 BY NANTUCKET, LTD FOR A WATER USE PERMIT PURSUANT TO SECTION 11.143 OF THE TEXAS WATER CODE. For Commission action. Applicant seeks to modify and maintain an existing dam and 140 acre-foot reservoir on Alum Creek, Brazos River Basin for in-place recreational purposes, approximately 4 miles southeast of College Station, Brazos County, Texas. (JORDAN:rma)

Approved, PR/JH

Item 63. APPLICATION NO. 5386 BY LTD INDUSTRIES, INC. FOR A WATER CODE SECTION 11.121 WATER USE PERMIT. FOR COMMISSION ACTION. Applicant seeks to maintain and modify an existing dam and

resulting 14.6 acre-feet capacity reservoir on Little Bear Creek, Trinity River Basin for in-place recreation purposes, approximately 14 miles northwest of Fort Worth, Texas. (JORDAN/lb)

Approved, PR/JH

Item 64. APPLICATION NO. TA-6709 BY HOUSTON FUEL OIL TERMINAL COMPANY FOR A TEMPORARY WATER USE PERMIT PURSUANT TO TEXAS WATER CODE SECTION 11.138. FOR COMMISSION ACTION. Applicant seeks to divert and use 100 acre-feet of water within a 3-year period from Buffalo Bayou (Houston Ship Channel), for industrial purposes (hydrotesting) from Buffalo Bayou just upstream of it's confluence with Carpenter Bayou, approximately 15.5 miles east of Houston, Harris County, Texas. (JORDAN/jme)

Approved, PR/JH

Item 65. APPLICATION FOR AN EXTENSION OF TIME TO COMPLETE CONSTRUCTION AUTHORIZED UNDER PERMIT NO. 5178. For Commission action. Applicant seeks to extend the time to complete construction of the rechannelization project from September 6, 1991 to October 1, 1992, unnamed tributary of Benson Bayou diverted to Robinson Bayou, San Jacinto-Brazos Coastal Basin, Galveston County, Texas. (JORDAN:rma)

Approved, PR/JH

Item 66. APPLICATION NO. 05-4665A BY CITY OF GREENVILLE TO AMEND CERTIFICATE NO. 05-4665. For Commission action. Applicant seeks to amend the certificate to include an existing dam and 105 acre-foot reservoir (No. 6) on an unnamed tributary of Cowleech Fork Sabine River, which serves as a stilling basin for water received from a gravity canal and cooling water discharged from the City's power plant, approximately 2.5 miles northwest of the Hunt County Courthouse, Greenville, Texas. (JORDAN:rma)

Approved, PR/JH

Item 67. APPLICATION NO. 23-636B BY THE CITY OF LAREDO TO AMEND CERTIFICATE NO. 23-636, as amended. For Commission Action. Applicant seeks to amend Certificate No. 23-636, as amended, to change the purpose of use for 90 acre-feet of Class "B" irrigation rights to 36 acre-feet of municipal water rights and change the place of use and diversion point to the city's service area and diversion facilities, approximately 1 3/4 miles northwest of the Webb County Courthouse, Laredo, Texas. (JORDAN/lb)

Approved, PR/JH

Item 68. APPLICATION NO. 23-73C BY THE CITY OF LAREDO TO AMEND CERTIFICATE NO. 23-73, as amended. For Commission Action.

Applicant seeks to amend Certificate No. 23-73, as amended, to change the purpose of use for 375 acre-feet of Class "B" irrigation rights to 266.6856 acre-feet of municipal water rights and change the place of use and diversion point to the city's service area and diversion facilities, approximately 1 3/4 miles northwest of the Webb County Courthouse, Laredo, Texas. (JORDAN/lb)

Approved, PR/JH

Item 69. APPLICATION NO. 23-72C BY THE CITY OF LAREDO TO AMEND CERTIFICATE NO. 23-72, as amended. For Commission Action. Applicant seeks to amend Certificate No. 23-72, as amended, to change the purpose of use for 250 acre-feet of Class "B" irrigation rights to 164.4444 acre-feet of municipal water rights and change the place of use and diversion point to the city's service area and diversion facilities, approximately 1 3/4 miles northwest of the Webb County Courthouse, Laredo, Texas. (JORDAN/lb)

Approved, PR/JH

Item 70. APPLICATION NO. 23-435D BY THE CITY OF LAREDO TO AMEND CERTIFICATE NO. 23-435, as amended. For Commission Action. Applicant seeks to amend Certificate No. 23-435, as amended, to change the purpose of use for 44.4525 acre-feet of Class "B" irrigation rights to 17.781 acre-feet of municipal water rights and change the place of use and diversion point to the city's service area and diversion facilities, approximately 1 3/4 miles northwest of the Webb County Courthouse, Laredo, Texas. (JORDAN/lb)

Approved, PR/JH

Item 71. APPLICATION NO. 23-138N BY THE CITY OF LAREDO TO AMEND CERTIFICATE NO. 23-138. For Commission Action. Applicant seeks to amend Certificate No. 23-138, AS AMENDED, to change the purpose of use for 305 acre-feet of Class "B" irrigation rights to 122 acre-feet of municipal water rights and change the place of use and diversion point to the city's service area and diversion facilities, approximately 1 3/4 miles north-west of the Webb County Courthouse, Laredo, Texas. (JORDAN/lb).

Approved, PR/JH

Item 72. CONSIDERATION OF THE ADOPTION OF AMENDMENTS TO 31 TEXAS ADMINISTRATIVE CODE, CHAPTER 295, SUBCHAPTERS A AND C (SECTIONS 295.72 AND 295.159), CONCERNING THE PROCEDURES FOR CONSIDERING APPLICATIONS TO AMEND WATER RIGHTS TO EXTEND THE TIME PERIOD FOR COMMENCING OR COMPLETING CONSTRUCTION OF DIVERSION AND STORAGE FACILITIES. (Jordan)

Approve Staff Recommendations and Adopt Proposed Rules, JH/PR

Item 73. CONSIDERATION OF THE ADOPTION OF NEW RULES TO TITLE 31 TEXAS ADMINISTRATIVE CODE, SECTION 293.60, CONCERNING CONDITIONAL APPROVAL OF REIMBURSEMENTS TO DEVELOPERS. (Petrov)

Approve Staff Recommendations and Adopt Proposed Order, PR/JH

Item 74. Petroleum Storage Tank Remediation (PSTR) Fund Contract Amendment for Additional Funding for EBASCO Services, Inc., ENRECO Engineering Group, IT Corporation and Raba-Kistner Consultants, Inc. (JAMESON)

Approve Staff Recommendation, JH/PR

Item 75. CONSIDERATION OF AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT WITH EBASCO SERVICES, INC. FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE REMEDIAL ACTION AT THE NORTH CAVALCADE SUPERFUND SITE.

Approve Staff Recommendation, JH/PR

Item 76. CONSIDERATION OF AUTHORIZING THE EXECUTIVE DIRECTOR TO AMEND THE ENGINEERING SERVICES CONTRACT WITH ROY F. WESTON FOR THE REMEDIAL INVESTIGATION/FEASIBILITY STUDY FOR THE SECOND OPERABLE UNIT AT TEXARKANA WOOD PRESERVING COMPANY SUPERFUND SITE.

Approve Staff Recommendation, JH/PR

Item 77. CONSIDERATION OF AUTHORIZING THE EXECUTIVE DIRECTOR TO AMEND A CONTRACT WITH IT-DAVY JOINT VENTURE FOR PHASE A REMEDIATION SERVICES FOR THE REMEDIAL ACTION AT THE SIKES DISPOSAL PITS SUPERFUND SITE.

Approve Staff Recommendation, JH/PR

ADDENDUM TO UNCONTESTED AGENDA

Wednesday, January 8, 1992

TEXAS WATER COMMISSION

9:00 a.m.

Room 118

Item 78. CONSIDERATION OF FY '92 OPERATING BUDGET.

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

UNCONTESTED OLD BUSINESS

Wednesday, January 8, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of November 13, 1991.

- Item 1. APPLICATION NO. 5375 BY BREWSTER COUNTY FOR A SECTION 11.121 WATER USE PERMIT For Commission consideration and action. Applicant seeks authorization to maintain a dam creating a seven acre-foot reservoir on Pena (Colorado) Creek, Rio Grande Basin for in-place recreational use at Fort Pena Colorado Park in Brewster County. As there is not sufficient water available for appropriation at the reservoir site, the applicant is in the process of signing a water supply contract with a downstream water right holder. (JORDAN;tls)

Continued to March 11, 1992 at 9:00 a.m.

Item carried forward from Agenda of November 20, 1991.

- Item 2. APPLICATION NO. 06-3224A BY OTAKA, INC. TO COMBINE CERT. OF ADJUDICATION NOS. 06-3224 AND 06-3225 UNDER CERT. 06-3224 AND TO AMEND CERT. 06-3224, AS COMBINED, PURSUANT TO TWC SECT. 11.122. FOR COMMISSION ACTION. Applicant seeks to combine the two certificates and to amend Cert. 06-3224, as amended, to increase the number of acres to be irrigated from 75 acres out of 381.09 acres to 150 acres out of 722.6614 acres, to increase the amount of water to be diverted per annum from 184 A/F to 400 A/F, to add two additional diversion locations, and to authorize Jacks on Lake and 5 existing, on channel exempt reservoirs for recreation use. The subject site to be irrigated and the aforesaid reservoirs are located approximately 17.5 miles northwest of Tyler, Smith County, Texas. (JORDAN/jme)

Approved, PR/JH

Item carried forward from Agenda of December 11, 1991.

- Item 3. APPLICATION BY RTF INDUSTRIES, INC. for an amendment to Permit No. 02815 to incorporate evaporation as the primary method used to dispose of treated process wastewaters from its metal finishing facility. As an alternate method I, wastewaters may be recycled for process uses via deionization. As an

alternate method II, operation wastewaters may be treated via deionization and discharged via Outfall 001 at a maximum rate of 250 gallons per day. The plant site is adjacent to Jefferson Road, 100 yards north of Bussey Road and 0.3 mile west of U.S. Highway 59, approximately five miles north of the City of Marshall, Harrison County, Texas.

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

CONTESTED AGENDA

Wednesday, January 8, 1992

TEXAS WATER COMMISSION

10:00 a.m.
Room 118

Item 1. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION & ORDER CONCERNING THE PETITION OF EXECUTIVE DIRECTOR AGAINST LABEL & PACKAGING CORPORATION OF AMERICA AND CARROLL MERLICK REQUESTING AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING OTHER ACTIONS. THE PETITION INVOLVES ALLEGATIONS OF UNAUTHORIZED STORAGE AND DISPOSAL OF HAZARDOUS WASTE IN DALLAS COUNTY, TEXAS. The facility is located in the watershed of Segment 0805 of the Trinity River Basin. RECOMMENDATION: Issuance of Order with modifications. (SAHS)

1. Remediation portion of Examiners Proposal for Decision is approved.
2. Penalties remanded to Executive Director Legal and Executive Director for Waste Management.
3. Bring this before the commission within 30 days, February 12, 1992 with a report on Penalties. JH/PR

Item 2. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF JACK MAULDIN, JR. FOR AN APPLICATION FOR CESSATION OF WATER UTILITY SERVICE IN LIMESTONE COUNTY, TEXAS. (DOCKET NO. 9159-Q) RECOMMENDATION: DENIAL. (JACKSON)

All exceptions overruled, and adopt Proposal for Decision, and applicant is given 120 days to file for a CCN. Staff directed to work closely with applicant and customers of this system and within 60 days, Executive Director is to bring a report back to the commission on status of this system. JH/PR

Item 3. CONSIDERATION OF THE COMPLAINT OF THE EXECUTIVE DIRECTOR AGAINST EL DORADO HOMES ASSOCIATION ALLEGING VIOLATIONS OF CHAPTER 12 OF THE TEXAS WATER CODE AND RULES OF THE TEXAS WATER COMMISSION. Violations include failure to complete modifications to El Dorado Dam to make the dam hydraulically and structurally safe. (Martinez)

Issue Proposed Order as Recommended by Staff, JH/PR

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF TRINIDAD, PERMIT NO. 11393-01. (Ray)

Continued to March 18, 1992 at 10:00 a.m.

Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUESTING CERTAIN ACTIONS OF THE CITY OF ELKHART FOR WASTEWATER DISCHARGE VIOLATIONS IN ANDERSON COUNTY; PERMIT NO. 10735-001. (LIGARDE)

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

Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF FLAME TECHNOLOGY, INC., SWR NO. 52028. (Alvarado)

Remand to Office Hearings Examiner, 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.

No Action Taken

CONTESTED OLD BUSINESS

Wednesday, January 8, 1992

TEXAS WATER COMMISSION

10:00 a.m.
Room 118

Item carried forward from agenda of November 6, 1991.

- Item 1. 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 February 19, 1992 at 10:00 a.m.

Item carried forward from Agenda of November 20, 1991.

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER REQUIRING CERTAIN ACTIONS OF LANSON, INC., PERMIT NO. 11949-01. (Smith, S.)

Continued to January 29, 1992 at 10:00 a.m.

Item carried forward from Agenda of 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 THE CITY OF LUFKIN, PERMIT NO. 10214-01. (Smith, S.)

Continued Indefinetely

Item carried forward from Agenda of November 20, 1991.

- Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE JAVELINA CORPORATION. (Smith, S.)

Remand to Office Hearings Examiner, JH/PR

Item carried forward from Agenda of December 4, 1991.

- Item 5. 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)

Issue Agreed Order, PR/JH

Item carried forward from Agenda of December 11, 1991.

Item 6. CONSIDERATION OF MOTION FOR REHEARING IN THE MATTER OF JOE CORDELL DBA LLEDROC FARM WEST FOR PERMIT NO. 03278 TO AUTHORIZE THE DISPOSAL BY IRRIGATION OF WASTE AND WASTEWATER FROM A DAIRY CONSISTING OF A MAXIMUM OF 960 HEAD IN CONFINEMENT IN ERATH COUNTY, TEXAS. (This matter was considered on September 18, October 2, and October 9, 1991. The commission issued proposed order and changes as recommended by Executive Director)

Deny Motion for Rehearing, however issue Nunc-Pro-Tunc order to correct clerical error. JH/PR

ADDENDUM TO CONTESTED OLD BUSINESS

Wednesday, January 8, 1992

TEXAS WATER COMMISSION

10:00 a.m.
Room 118

Item carried forward from Agenda of December 4, 1991, December 11, 1991 and December 18, 1991.

- Item 7. 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)

Issue Agreed Order, PR/JH