

UNCONTESTED AGENDA

Wednesday, May 27, 1992

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item 1. APPLICATION BY K.C. FEEDING COMPANY for a permit (Proposed Permit No. 03444) to authorize disposal of wastes and wastewater from a swine farm. The farm will consist of a maximum of 16,800 sows farrow with a maximum total of 188,982 head. The applicant is also requesting a variance concerning the application of wastewater when the ground is frozen or saturated or during rainfall events; and concerning the need for a minimum storage period of time for waste generated by the facility. The swine farm is located on the south side of U.S. Highway 87 approximately five miles northwest of the intersection of U.S. Highway 87 and Farm-to-Market Road 808 in Dallam County, Texas.

Approved, PR/PG

Item 2. APPLICATION BY STAR DAIRIES, INC. for a permit (Proposed Permit No. 03346) to authorize the disposal of wastes and wastewater from a dairy. The dairy will consist of a maximum of 400 total head. The dairy is approximately 1 mile east of the intersection of Farm-to-Market Road 1497 and Farm-to-Market 3426 on the south side of Farm-to-Market Road 3426 in Lamar County, Texas.

Approved, PR/PG

Item 3. APPLICATION BY CITY OF TEAGUE & CITY OF FAIRFIELD for a permit (Proposed Permit No. 13579-01) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 200,000 gallons per day. The plant site is to be approximately 3.4 miles southwest of the intersection of U.S. Highway 84 and Interstate Highway 45 and approximately 1.1 miles south of the intersection of U.S. Highway 84 and Boyd Prison Road in Freestone County, Texas.

Approved, PR/PG

Item 4. APPLICATION BY CITY OF ALVARADO for renewal of Permit No. 10567-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 400,000 gallons per day. The wastewater treatment facilities are located southwest of Alvarado, approximately 1000 feet south of the intersection of Interstate Highway 35W and Farm-to-Market Road 3136 adjacent to the North Fork of Chambers Creek in Johnson County, Texas.

Approved, PR/PG

Item 5. APPLICATION BY BEECHNUT MUNICIPAL UTILITY DISTRICT for renewal of Permit No. 12258-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 3,000,000 gallons per day. The wastewater treatment facilities are located approximately 1250 feet northwest of the intersection of Eldridge Road and Beechnut Road and 3.4 miles southeast of the intersection of Farm-to-

Market Road 1093 (Westheimer) and State Highway 6 in Harris County, Texas.

Remand to Executive Director

Item 6. APPLICATION BY CITY OF BOWIE for renewal of Permit No. 10071-02 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 370,000 gallons per day. The wastewater treatment facilities are located east of the City of Bowie and approximately 1.5 miles east of the intersection of U.S. Highway 287 and State Highway 59 in Montague County, Texas.

Approved, PR/PG

Item 7. APPLICATION BY BRAZORIA COUNTY MUD NO. 1 for renewal of Permit No. 12332-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 3,000,000 gallons per day. The renewed permit would decrease the discharge volume to 750,000 gallons per day average. The wastewater treatment facilities are approximately 500 feet north of Marys Creek, approximately 4800 feet west of Farm-to-Market Road 1128 and approximately 1.2 miles south of Farm-to-Market Road 518 in Brazoria County, Texas.

Approved, PR/PG

Item 8. APPLICATION BY GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 12 for renewal of Permit No. 10435-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 200,000 gallons per day. The Bayou Vista Wastewater Treatment Plant is located approximately 0.3 mile south and 1.0 mile west of the intersection of Interstate Highway 45 and State Highway 6 in Galveston County, Texas.

Approved, PR/PG

Item 9. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF EXECUTIVE DIRECTOR FOR AN ENFORCEMENT ORDER FOR PETE BELL DBA CROWLEY TWO ACRE WATER SYSTEM IN JOHNSON COUNTY, TEXAS (DOCKET NO. 9121-E). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 105 customers. RECOMMENDATION: Adoption of agreement of parties. (FORRESTER).

Adopt Examiner's Memorandum and Issue Order, PR/JH

Item 10. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF WILLIAM R. BAYNE APPEALING NEW CONNECTION FEE CHARGED BY BECKER-JIBA WSC IN KAUFMAN COUNTY, TEXAS (DOCKET NO. 9135-X). RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (THOMAS)

Adopt Examiner's Memorandum and Issue Order, PR/JH

Item 11. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF PAYNE UTILITIES, INC. TO INCREASE RETAIL WATER RATES IN MONTGOMERY & SAN JACINTO COUNTIES, TEXAS (DOCKET NO. 9357-R). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 715 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (FORRESTER)

Adopt Examiner's Memorandum and Issue Order, PR/JH

Item 12. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION FOR CREATION OF CORPUS CHRISTI DOWNTOWN MANAGEMENT DISTRICT. RECOMMENDATION: ADOPTION OF EXAMINER'S MEMORANDUM AND ORDER.

Adopt Examiner's Memorandum and Issue Order, PR/JH

Item 13. APPLICATION BY NOTTINGHAM COUNTRY MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL TO ISSUE \$2,360,000 IN UNLIMITED TAX BONDS, 8.23% NET EFFECTIVE INTEREST RATE, AND APPROVAL OF THE USE OF SURPLUS FUNDS; \$1,760,000 BOND ISSUE APPROVED December 14, 1990. For Commission consideration and action. Applicant requests approval for funding to finance detention pond and water plant improvements and land costs, the Fry Road storm sewer project, and water, wastewater & drainage for Kelliwood Place Section One and Kelliwood Lakes Section One. (Nelson)

Approved, PG/PR

Item 14. APPLICATION BY CIBOLO CREEK MUNICIPAL AUTHORITY OF BEXAR, COMAL & GUADALUPE COUNTIES FOR APPROVAL OF AN IMPACT FEE. For Commission consideration and action. Applicant requests approval to levy an impact fee of \$985 per equivalent single family connection for wastewater service within its boundaries. (Nelson)

Approved, PG/PR

Item 15. APPLICATION BY ROLLING CREEK UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF STANDBY FEE. For Commission consideration and action. Applicant requests approval to adopt and impose an annual total non-uniform standby fee of \$490,485 for the initial year and \$456,433 for subsequent years to supplement the debt service and operations and maintenance accounts. (Herbert)

Remand to Office Hearings Examiner

Item 16. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 191 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$2,730,000 BOND ISSUE APPROVED July 20, 1983. For Commission consideration and action. District requests approval to use \$67,164 for construction (plus eligible developer interest estimated to be \$3,800) in surplus funds to finance District's 70% share of the cost of drainage improvements, utility clearing & grubbing & related engineering costs for Champions Centre Estates, Section 1. (Cook)

Approved, PG/PR

Item 17. APPLICATION OF AUSTIN MUNICIPAL UTILITY DISTRICT NO. 1 OF TRAVIS AND WILLIAMSON COUNTIES FOR APPOINTMENT OF DIRECTOR. For Commission consideration and action. District requests appointment of Jerry Read as director. (Lutringer)

Approved, PG/PR

Item 18. APPLICATION OF PALEFACE PEDERNALES WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Travis County, TX (Application No. 9375-C, Holck)

Approved, PR/JH

Item 19. APPLICATION OF JOHN D. MILBURN DBA FOREST FALLS COMPANY for Cancellation of Water CCN No. 11313 in Montgomery County, TX (Application No. 9465-Q, Holck)

Approved, PR/JH

Item 20. APPLICATION OF CROSS CREEK WATER SUPPLY CORPORATION for Cancellation of Water CCN No. 11452 in Travis County, TX (Application No. 9457-Q, Holck)

Approved, PR/JH

Item 21. EUGENE HOLMES DBA HOLMES WATER WELL DRILLING AND SERVICING COMPANY for a Water Certificate of Convenience and Necessity and to decertificate a portion of CCN No. 10929 of Lumberton Municipal Utility District in Hardin County, TX (Application No. 8778-C, Strouse)

Approved, PR/JH

Item 22. APPLICATION NO. 5402 BY TURTLE CREEK INDUSTRIES, INC. FOR A SECTION 11.143 WATER USE PERMIT. For Commission action. Applicant seeks authorization to use an existing 20 acre-foot reservoir on Turtle Creek, Guadalupe River Basin, for in-place recreational use in Kerr County, approximately seven miles southwest of Kerrville, Texas. (JORDAN;tls)

Approved, PR/PG

Item 23. APPLICATION NO. 4144A BY BERTHA L. BARTH, INDIVIDUALLY, AND AS INDEPENDENT EXECUTRIX OF THE ESTATE OF KERMIT C. BARTH, DECEASED TO AMEND WATER USE PERMIT NO. 3837. FOR COMMISSION ACTION. Applicant seeks to amend Permit No. 3837 by deleting or extending the term contained in the permit located on the Pedernales River, Colorado River Basin, approximately 16 miles southeast of Fredericksburg, Gillespie County, Texas, (JORDAN/jme)

Continued to June 24, 1992 at 9:00 a.m.

Item 24. THE COMMISSION WILL DETERMINE WHETHER EMERGENCY ORDER NO. 92-6E, ISSUED TO TEXACO REFINING AND MARKETING, INC. ON MARCH 25, 1992 SHOULD BE AFFIRMED, MODIFIED OR SET ASIDE.

Affirm, Emergency Order, JH/PR

Item 25. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST TO ENTER INTO CONTRACTS WITH VARIOUS STATE AGENCIES AND LOCAL GOVERNMENTS FOR THE ESTABLISHMENT AND OPERATION OF DEMONSTRATION COMPOSTING PROJECTS. (MCARTHUR, DOUG)

Submitted in Error

CONTESTED AGENDA

Wednesday, May 27, 1992

TEXAS WATER COMMISSION

10:00 a.m.  
Room 118

- Item 1. CONSIDERATION OF EXAMINER'S CERTIFIED QUESTIONS CONCERNING THE APPEAL OF CITY OF ARLINGTON OF WHOLESALE SEWER RATES SET BY THE CITY OF FORT WORTH IN TARRANT COUNTY, TEXAS; DOCKET NO. 8748-A. NO RECOMMENDATION. (Sullivan)

Continued to June 10, 1992 at 9:00 a.m.

- Item 2. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF TALL TIMBERS WATER ASSOCIATION, INC. FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO DECERTIFY A PORTION OF CCN NO. 11784 TO PROVIDE WATER SERVICE IN NEWTON COUNTY, TEXAS. (DOCKET NO. 9203-C). RECOMMENDATION: ISSUANCE. (FORRESTER)

Adopt Proposal For Decision and Issue Order, overrule all exceptions, JH/PG

- Item 3. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE PETITION OF RIO WSC, EL TANQUE WSC AND EL SAUZ WSC TO APPEAL INCREASE OF STARR CO. WCID #2's WHOLESALE WATER RATES IN STARR COUNTY, TEXAS. (DOCKET No. 8978-A, 8979-A, 9025-A). APPLICANT PROVIDES WHOLESALE WATER SERVICE TO APPROXIMATELY 3 WHOLESALE CUSTOMERS. RECOMMENDATION: DENIAL OF RATE INCREASE. (JACKSON)

Adopt Proposal for Decision and Issue Order, overrule all exceptions, JH/PR (PG Abstained).

- Item 4. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF TOWN OF VALLEY VIEW FOR A RENEWAL OF PERMIT NO. 11164-01 TO AUTHORIZE THE DISCHARGE OF 48,000 GPD OF TREATED DOMESTIC WASTEWATER EFFLUENT IN COOKE COUNTY, TEXAS, AND SEGMENT NO. 0840 OF THE TRINITY RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (JACKSON)

Renew Permit for 2 years, and instructed staff to make changes to permit after 2 yrs to reflect discharge limitations upon renewal, PR/PG

- Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ANN DENBOW AND RICHARD BILLINGS DBA INDIAN HILLS WATER COMPANY, DOCKET NO. 9237-E. (Montelongo)

Remand to Office Hearing's Examiner, PR/PG

- Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PROPOSED ORDER FOR CONDUCTOR PRODUCTS, INC., FOR VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE, AND FINDING THAT NO FURTHER ACTION IS NECESSARY, PERMIT NO. 01270-01. (Rasberry)

Issue Proposed No Action Order, PR/JH

- Item 7. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION AND ORDER

ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF GULF COAST WASTE DISPOSAL AUTHORITY FOR VIOLATIONS OF THE TEXAS SOLID WASTE DISPOSAL ACT AND RULES OF THE TEXAS WATER COMMISSION, SWR NO. 37822. (Warneke)

Issue Agreed Order, PG/PR

Item 8. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF E. I. DUPONT DE NEMOURS. (HALL)

Remand to Office Hearing's Examiner, PR/PG

Item 9. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF B&W FOUNDRY AND MANUFACTURING COMPANY; SWR NO. 30537. (Hall)

Remand to Office Hearing's Examiner, PR/JH

Item 10. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CARBON/GRAPHITE GROUP, INC.; SWR 33779. (WARNEKE)

Remand to Office Hearing's Examiner, PG/PR

Item 11. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ALLIED TUBE AND CONDUIT CORPORATION; SWR 31030. (WARNEKE)

Remand to Office Hearing's Examiner, PR/PG

Item 12. APPLICATION BY LIVING WATERS ARTESIAN SPRINGS, LTD. FOR A TEMPORARY ORDER TO AUTHORIZE THE DISCHARGE OF TREATED WASTEWATER EFFLUENT FROM A CATFISH AQUACULTURE OPERATION AT A VOLUME NOT TO EXCEED AN AVERAGE DRY WEATHER FLOW OF 33,200,000 GALLONS PER DAY.

Remand to Office Hearing's Examiner, JH/PR

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

Item 14. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO DISCUSS LITIGATIONS AND RELATED AGENCY ACTIONS CONCERNING EDWARDS AQUIFER.

No Action Taken

ADDENDUM TO CONTESTED AGENDA

Wednesday, May 27, 1992

TEXAS WATER COMMISSION

10:00 a.m.

Room 118

Item 15. CONSIDERATION OF THE REQUEST BY MORRISON-KNUDSEN CORPORATION TO COMMENCE CONSTRUCTION OF STORMWATER RETENTION PONDS AT A URANIUM MILL TAILINGS RECLAMATION AND CLEANUP SITE IN KARNES COUNTY. (Smith, J.)

Approved Authorization to Construct, JH/PR

Item 16. CONSIDERATION OF THE PETITION FOR AN EMERGENCY RATE INCREASE FOR TAWAKONI WATER UTILITY CORPORATION SUBMITTED BY AM-TEX CORPORATION, RECEIVER, HUNT, KAUFMAN, AND VAN ZANDT COUNTIES. (Montelongo)

Approve Staff Recommendation, JH/PR

CONTESTED OLD BUSINESS

Wednesday, May 27, 1992

TEXAS WATER COMMISSION

10:00 a.m.  
Room 118

Item carried forward from Agenda of March 25, 1992 and April 29, 1992.

- Item 1. CONSIDERATION OF PETITION OF NATIONAL SOLID WASTES MANAGEMENT ASSOCIATION FOR RULEMAKING REGARDING DISPOSAL OF NON-HAZARDOUS INDUSTRIAL SOLID WASTE IN INTERIM STATUS FACILITIES. (SALLY JO HAHN/MARGI LIGARDE)

Approve Staff Recommendation, JH/PR

Item carried forward from Agenda of May 13, 1992.

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR HEARING AND PETITION FOR ORDER REVOKING CLASS B WASTEWATER OPERATOR'S CERTIFICATE OF COMPETENCY NO. 464-76-3703 ISSUED TO MICHAEL ELDER. (Ray)

Approve Staff Recommendation, PR/PG