

UNCONTESTED AGENDA

Wednesday, July 8, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. Consideration of an application by FINA OIL AND CHEMICAL for a Class 2 Modification to hazardous waste Permit No. HW50140 in accordance with 31 TAC Section 305.69. Fina operates a hazardous waste management facility that stores, processes and disposes of refinery wastes in three container storage areas and a land treatment unit. The facility is located at the intersection of Interstate Highway 20 and Refinery Road in Big Spring Howard County, Texas.

Approved, JH/PR

Item 2. Consideration of an application by PAKTANK CORPORATION - Deer Park Facility for a Class 2 Modification to hazardous waste Permit No. HW50030 in accordance with 31 TAC Section 305.69. Paktank operates a Class I hazardous and non-hazardous waste storage facility for wastes from off-site and on-site sources. The facility is located at 2759 Battleground Road in the City of Deer Park, Harris County, Texas.

Approved, JH/PR

Item 3. APPLICATION BY BROWNING-FERRIS, INC. has applied to the Texas Water Commission for a minor amendment to municipal solid waste Permit No. MSW1505 to authorize changes to the Site Development Plan. The proposed amendment authorizes the new facility to be constructed to meet proposed Sub Title "D" requirements. Proposed changes will not affect the capacity of the landfill. The plant site is 4.5 miles east of Missouri City, Fort Bend County, Texas.

Approved, JH/PR

Item 4. APPLICATION BY WASTE MANAGEMENT OF TEXAS, INC. has applied to the Texas Water Commission for a minor amendment to municipal solid waste Permit No. MSW2093 to authorize changes to the Site Development Plan. The proposed amendment would add a Citizens Collection Station and a more detailed landscaping plan. The proposed amendment would also revise the site entrance, access road, cell development sequence and northern fence as a result of the anticipated closing and purchase of the adjacent Nelson Gardens landfill. The plant site is approximately 3.5 miles south of the intersection of US Highway 90 and Loop 410, adjacent to the south boundary line of Lackland Air Force Base Annex and adjacent to and on the west side of Covell Road in Bexar County, Texas.

Continued to July 22, 1992

Item 5. APPLICATION BY JAY JONES DBA 5-J DAIRY has applied to the Texas Water Commission for a permit (Proposed Permit No. 03443) to authorize disposal of wastes and wastewater from a dairy. The dairy will consist of a maximum of 600 head. Washdown water, flushwater and stormwater will be retained in three storage ponds, where subsequently it will be used to

irrigate agricultural land. Manure/solids will be disposed of as fertilizer on agricultural land. The dairy is located on the north side of an unnamed County Road approximately one mile east of U.S. Highway 35 and one mile north of the intersection of U.S. Highway 35 and Farm-to-Market Road 308 in McLennan County, Texas.

Approved, JH/PR

Item 6. APPLICATION BY ADELPHI COMMUNITY COOPERATIVE has applied to the Texas Water Commission for renewal of Permit No. 12227-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 12,000 gallons per day. The wastewater treatment facilities are on an unnamed county road, approximately one mile east of State Highway 34 and approximately five miles south of the City of Quinlan in Hunt County, Texas.

Approved, JH/PR

Item 7. APPLICATION BY ALEDO INDEPENDENT SCHOOL DISTRICT has applied to the Texas Water Commission for renewal of Permit No. 13438-01 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 approximately one mile southwest of the intersection of Interstate Highway 20 and Farm to Market Road 1187; 4500 feet west-northwest of the intersection of Farm-to-Market Road 1187 and County Road 4001 (Old Bankhead Highway) in Parker County, Texas.

Continued to October 7, 1992

Item 8. APPLICATION BY BRITMORE UTILITY, INC. has applied to the Texas Water Commission for renewal of Permit No. 11193-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,000,000 gallons per day. The wastewater treatment facilities are approximately 2000 feet southeast of the intersection of Fisher and Brittmore Roads in Harris County, Texas.

Continued to July 22, 1992

Item 9. APPLICATION BY CHARLIE THOMAS, INC., DBA INTERCONTINENTAL MOTORS has applied to the Texas Water Commission for renewal of Permit No. 02250 which authorizes the discharge of domestic wastes commingled with car wash wastes at volume not to exceed an average flow of 6,000 gallons per day and of treated effluent at a maximum flow volume of 12,000 gallons per day during any 24-hour period via Outfall 001. The applicant proposes to operate an automotive dealership. The plant site is located 1/4 mile northwest of the intersection of Interstate Highway 45 North and Rankin Road in the City of Houston in Harris County, Texas.

Approved, JH/PR

Item 10. APPLICATION BY COMMUNITY TREATMENT, INCORPORATED AND THE CITY OF SAN ANTONIO have applied to the Texas Water Commission for renewal of Permit No. 13284-01 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. The wastewater treatment facilities are approximately 3/4 mile north-northwest of the intersection of State Highway Loop 1604 and

Culebra Road (FM 471) and 1/2 mile west of Leslie Road in Bexar County, Texas. The Executive Director of the Texas Water Commission has prepared a draft permit which, if approved by the Commission, will enforce more stringent effluent limitations and requirements in order to meet existing applicable rules and regulations. The renewed permit has also decreased the volume to 1,000,000 gallons per day average.

Continued to July 22, 1992

Item 11. APPLICATION BY CITY OF DUBLIN has applied to the Texas Water Commission for renewal of Permit No. 10405-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 250,000 gallons per day. The wastewater treatment facilities are approximately 3/4 mile southwest of the intersection of Farm-to-Market Road 219 and Farm-to-Market Road 1702 and approximately one mile southeast of the City of Dublin in Erath County, Texas.

Continued to July 22, 1992.

Item 12. APPLICATION BY GULF COAST TRADES CENTER, INC. has applied to the Texas Water Commission for renewal of Permit No. 12159-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 16,000 gallons per day. The wastewater treatment facilities are within the Gulf Coast Trades Center Complex, approximately 3.8 miles west of the intersection of Interstate Highway 45 and Farm-to-Market Road 1375 and northeast of Lake Conroe in Walker County, Texas.

Approved, JH/PR

Item 13. APPLICATION BY CITY OF HAMLIN has applied to the Texas Water Commission for renewal of Permit No. 10491-02 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 320,000 gallons per day from the wastewater treatment facilities. The plant site is approximately 1/4 mile southeast of the intersection of State Highway 92 and U.S. Highway 83 on the north bank of California Creek in Jones County, Texas.

Approved, JH/PR

Item 14. APPLICATION BY HYDRIL COMPANY has applied to the Texas Water Commission for renewal of Permit No. 11794-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 50,000 gallons per day. The wastewater treatment facilities are on the south side of North Belt Drive approximately one half mile west of the intersection of North Belt Drive and John F. Kennedy Boulevard and 2.7 miles west of U.S. Highway 59 in Harris County, Texas.

Approved, JH/PR

Item 15. APPLICATION BY NORTH TEXAS MUNICIPAL WATER DISTRICT has applied to the Texas Water Commission for renewal of Permit No. 10257-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 4,750,000 gallons per day. The wastewater treatment facilities are approximately 2,310 feet southeast of the intersection of Spring Valley Road and Interstate Highway 75

in the City of Richardson in Dallas County, Texas.

Approved, JH/PR

Item 16. APPLICATION BY WAYNE DUDDLESTON, INC. has applied to the Texas Water Commission for renewal of Permit No. 12328-01 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 south of Cypress Creek, approximately 4000 feet west and 1300 feet south of the intersection of U.S. Highway 290 and Barker-Cypress Road in Harris County, Texas.

Approved, JH/PR

Item 17. APPLICATION BY BASF CORPORATION has applied to the Texas Water Commission for an amendment to Permit No. 01802 to authorize an increase in the discharge of treated process wastewater, treated septic tank wastewater, cooling tower blowdown, boiler blowdown and stormwater effluent from a volume not to exceed an average flow of 2,880,000 gallons per day to a volume not to exceed an average flow of 4,052,000 gallons per day via Outfall 001. When permit conditions are met, the permit authorizes the discharge of stormwater, cooling tower blowdown, boiler blowdown and fire protection water via Outfalls 002 and 003, which will remain the same. The proposed amendment will enforce more stringent effluent limitations and requirements as needed in order to meet existing applicable rules and regulations. The plant site is in the southwest quadrant defined by the intersection of State Highway 288 and State Highway 332 near the City of Freeport, Brazoria County, Texas.

Approved, JH/PR

Item 18. APPLICATION BY BRAZOS RIVER AUTHORITY LAKE GRANBURY SWATS has applied to the Texas Water Commission for an amendment to Permit No. 02889 to authorize an increase in the discharge of treated effluent from a volume not to exceed an average flow of 1,128,000 gallons per day to a final volume not to exceed an average flow of 2,500,000 gallons per day. The plant site is southeast of the City of Granbury, approximately 5 miles southeast of the intersection of Farm to Market (F.M.) Road 167 with U.S. Highway 377 and about 1/2 mile southeast of the intersection of F.M. Road 167 with County Road 308 in Hood County, Texas.

Approved, JH/PR

Item 19. APPLICATION BY CAL-TEX SPICE CO., INC. has applied to the Texas Water Commission for an amendment to Permit No. 02591 to authorize the disposal of wastewaters via a spray irrigation system. The permit authorizes disposal of treated wastewaters from a food processing plant by evaporation and by irrigation. The volume of wastewater will remain the same, not to exceed an average of 10,000 gallons per day. The plant site is at 8909 Kingsway in the City of Anthony, El Paso County, Texas. The facility is in the drainage area of the Rio Grande in Segment No. 2314 of the Rio Grande Basin.

Continued to July 22, 1992

Item 20. APPLICATION BY CITY OF GOLDTHWAITE has applied to the Texas Water Commission for an amendment to Permit No. 10459-01 to

authorize the use of treated effluent for irrigation on 75 acres of land, which is adjacent to the treatment facility. The proposed amendment would also make effluent limitations more stringent as needed in order to meet existing applicable rules and regulations. The permit currently also authorizes the discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 230,000 gallons per day, which will remain the same. The wastewater treatment facilities is approximately 2500 feet east of Farm-to-Market Road 3023 and 1600 feet north of State Highway 16 in Mills County, Texas.

Approved, JH/PR

Item 21. APPLICATION BY THE GOODYEAR TIRE & RUBBER COMPANY has applied to the Texas Water Commission for an amendment to Permit No. 00520 in order to delete monitoring Requirements for chromium, phenols and copper. The permit authorizes a discharge of treated and processed effluent at a volume not to exceed an average flow of 2,700,000 gallons per day plus intermittent, flow variable discharges of stormwater runoff, which will remain the same. The permittee operates the Houston Plant which manufactures synthetic rubber. The plant site is at 2000 Goodyear Drive in the City of Houston in Harris County, Texas.

Approved, JH/PR

Item 22. APPLICATION BY FRIENDSWOOD DEVELOPMENT COMPANY AND HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 322 have applied to the Texas Water Commission for a minor amendment to Permit No. 13296-02 (formerly 13506-01) to add an Interim I phase at a volume not to exceed an average flow of 200,000 gallons per day and add an Interim II phase at a volume not to exceed an average flow of 400,000 gallons per day. The proposed amendment will also enforce more stringent effluent limitations as needed in order to meet existing applicable rules and regulations. The permit currently authorizes a discharge of treated domestic wastewater effluent in phases with the final phase being a volume not to exceed an average flow of 2,400,000 gallons per day. The plant site is approximately 1,500 feet north of U.S. Highway 290 and 2,700 feet west of Mueschke Road in Harris County, Texas.

Approved, JH/PR

Item 23. APPLICATION BY GALVESTON COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 1 has applied to the Texas Water Commission for a minor amendment to Permit No. 10173-01 to authorize construction of split-stream peak flow storage and treatment facilities. The permit authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 3,600,000 gallons per day. The plant site is on the north side of Dickinson Bayou between the Galveston, Houston and Henderson Railroad and Nebraska Street in the Village of Dickinson in Galveston County, Texas.

Approved, JH/PR

Item 24. APPLICATION BY CITY OF HILLSBORO has applied to the Texas Water Commission for a minor amendment to Permit No. 10630-01 in order to reduce the 2-hour peak flow from 3,306 gallons per minute to 2,778 gallons per minute. The proposed amendment will also enforce more stringent effluent limitations and

provisions as needed in order to meet existing applicable rules and regulation. The permit currently authorizes a discharge of treated domestic wastewater effluent in phases with the final phase being a volume not to exceed an average flow of 1,360,000 gallons per day, which will remain the same. The plant site is adjacent to George Street, approximately 700 feet southwest of the intersection of Parham Street and George Street in Hill County, Texas.

Approved, JH/PR

Item 25. APPLICATION BY SHELL DEVELOPMENT COMPANY has applied to the Texas Water Commission for a minor amendment to Permit No. 01853 in order to change the disinfection method for Outfall 001 from chlorination to UV radiation. The permit authorizes a discharge of: treated process wastewater and groundwater via Outfall 001 at a volume not to exceed an average flow of 475,000 gallons per day; stormwater runoff and drainage from the wave tank via Outfall 002 at a volume not to exceed 500,000 gallons during any 24-hour period; and stormwater runoff via Outfall 003 and uncontaminated stormwater runoff via Outfall 004 at volumes variable with rainfall. The plant site is on the east side of State Highway 6, at a point approximately 3,000 feet south of its intersection with Farm to Market Road 1093 (Westheimer-Beeler Road), Harris County, Texas.

Approved, JH/PR

Item 26. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ACIENDA TRUCK WASH, (NO PERMIT). (Smith, J.)

Issue Agreed Order, JH/PR

Item 27. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 130 FOR APPROVAL OF STANDBY FEE. For Commission consideration and action. Applicant seeks approval for the levy of uniform annual standby fee of \$1,473 per unimproved acre to supplement the debt service account and \$142 per unimproved acre to supplement the operation and maintenance account. (Cook)

Approved, JH/PR

Item 28. APPLICATION OF MANVELTEX, INC. for a Water Certificate of Convenience and Necessity in Brazoria County, TX (Application No. 9427-C, Fenner)

Approved, JH/PR

Item 29. APPLICATION OF LAVACA COUNTY LAND COMPANY, INC. for a Water Certificate of Convenience and Necessity in Montgomery County, TX (Application No. 9414-C, Gonzalez)

Approved, JH/PR

Item 30. APPLICATION OF STEAMBOAT MOUNTAIN WATER SUPPLY CORPORATION to Acquire Sayles Ranch Water Supply and to Amend Water CCN No. 11370 in Taylor County, TX (Application No. 9451-S, Holck)

Approved, JH/PR

Item 31. APPLICATION OF MAYFAIR 5 JOINT VENTURE DBA MAYFAIR 5 WATER

COMPANY to amend Water Certificate of Convenience and Necessity No. 12542 in El Paso County, TX (Application No. 9430-C, Gonzalez)

Approved, JH/PR

Item 32. APPLICATION OF LAKE WHITNEY WATER COMPANY, INC. to amend Water Certificate of Convenience and Necessity No. 10891 in Bosque County, TX (Application No. 9448-C, Gonzalez)

Approved, JH/PR

Item 33. APPLICATION OF SOUTHERN UTILITIES COMPANY to Transfer Water CCN No. 10757 and to Cancel CCN No. 10757 in Smith County (Application No. 9288-T, Fenner)

Approved, JH/PR

Item 34. APPLICATION OF COLONY MUNICIPAL UTILITY DISTRICT NO. 1 for Cancellation of Water CCN No. 10200 and Sewer CCN No. 20074 in Collin and Denton Counties, TX (Application No. 9518-Q, Holck)

Approved, JH/PR

Item 35. H & J WATER COMPANY, INC. to Transfer and Cancel Water CCN No. 11616 of Indigo Corporation and Amend Water CCN No. 10873 in Montgomery County, TX (Application No. 9461-T, Holck)

Approved, JH/PR

Item 36. APPLICATION OF TEJAS to transfer water CCN No. 12099 and sewer CCN No. 20689 from Blanchard in Polk County (Application No. 9410-S, Carlson) APPLICATION OF TEJAS to amend water CCN No. 12099 and sewer CCN No. 20689 to include the Port Adventure Subdivision, and decertify the area from Trinity Rural Water Supply Corporation, CCN No. 10128 in Trinity County, TX (Application No. 9407-C, Carlson) APPLICATION OF TEJAS to amend water CCN No. 12099 and sewer CCN No. 20689 to include the Lake Conroe Subdivision in Montgomery County (Application No. 9409-C, Carlson)

Approved, JH/PR

Item 37. APPLICATION NO. 5413 BY FRANK J. GARCIA AND WIFE, ALVA GARCIA FOR A TWC SECTION NO. 11.143 WATER USE PERMIT. FOR COMMISSION ACTION. Applicant seeks to divert and use 50 acre-feet of water per annum from an existing, exempt 7.3 acre-foot reservoir on San Diego Creek, Nueces-Rio Grande Coastal Basin, to irrigate 30 acres of land approximately 9 miles west of Alice, Jim Wells County, Texas. (SMITH/jme)

Approved, JH/PR

Item 38. APPLICATION NO. 5412 BY ERNEST L. HOELSCHER FOR A TWC SECTION NO. 11.143 WATER USE PERMIT. FOR COMMISSION ACTION. Applicant seeks to divert and use 50 acre-feet of water per annum from an existing, exempt 7.3 acre-foot reservoir on San Diego Creek, Nueces-Rio Grande Coastal Basin, to irrigate 77 acres of land approximately 9 miles west of Alice, Jim Wells County, Texas. (SMITH/jme)

Approved, JH/PR

Item 39. APPLICATION NO. 5416 BY DON P. CHESTER AND WIFE, JOHNNIE N. CHESTER FOR A SECTION 11.143 WATER USE PERMIT. For Commission action. Applicants seek authorization to maintain an existing, exempt dam and 13 acre-foot reservoir on an unnamed tributary of Martins Branch, Brazos River Basin and to divert 10 acre-feet of water per annum from the reservoir for irrigation use, approximately 9.5 miles northwest of Comanche, Comanche County, Texas. (SMITH:rma)

Approved, JH/PR

Item 40. APPLICATION NO. 23-2965A BY TED S. SCIBIENSKI TO AMEND CERTIFICATE NO. 23-2965 PURSUANT TO TWC SECTION 11.122. FOR COMMISSION ACTION. Applicant seeks to change the purpose of use of 196 acre-feet of stock raising water to municipal use. Said water is from the Rio Grande in Webb County. (SMITH/lb)

Approved, JH/PR

Item 41. APPLICATION NO. 12-4340 BY THE CITY OF WACO AND YOUNG BROTHERS, INC. - CONTRACTORS FOR AN EXTENSION OF TIME TO COMPLETE CONSTRUCTION PURSUANT TO TWC SECTION NO. 11.145. FOR COMMISSION ACTION. Applicant seeks to extend the time to complete construction of the hydroelectric facilities authorized by Certificate of Adjudication No. 12-4340, as amended, from the current deadline of April 6, 1992 to April 6, 1995. (SMITH/jme)

Approved, JH/PR

Item 42. APPLICATION NO. 5414 BY THE CITY OF DALLAS FOR A TEXAS WATER CODE SECTION WATER USE PERMIT. For Commission consideration. Applicant seeks authorization to make beneficial use of excess flows in the Elm Fork Trinity River watershed, Trinity Basin, by diverting run-of-the river water (not released from lake storage) from its Elm Fork Water Treatment Plant for municipal purposes when available. This water will be charged to the city's municipal authorizations in the Lewisville Lake water right (Certificate of Adjudication No. 08-2456, as amended). (JORDAN;tls)

Remand to Office Hearing's Examiner, JH/PR

Item 43. APPLICATION NO. 5410 BY TARRANT COUNTY WATER CONTROL & IMPROVEMENT DIST. NO. ONE FOR A SECTION 11.121 WATER USE PERMIT. For Commission action. Applicant seeks a permit to divert, for a ten-year period, not to exceed 116 acre-feet of water per annum from the Trinity River, Trinity River Basin, to a pilot-scale water treatment facility in Freestone County. The facility will be constructed wetlands which will include an off-channel reservoir complex. Water quality samples will be taken at the diversion point and immediately downstream of the treatment facility to determine the effect of the project. (JORDAN;tls)

Approved, JH/PR

Item 44. APPLICATION NO. 5415 BY JAMES G. WISE FOR A SECTION 11.121 WATER USE PERMIT. For Commission consideration and action. Applicant seeks authorization to construct and maintain a dam on an unnamed tributary of Slater Creek, Neches River Basin, for domestic, livestock and in-place recreational use in Van Zandt County, approximately 15 miles southwest of Canton, Texas. (JORDAN;tls)

Grant a Perpetual Permit, PR/PG

Item 45. APPLICATION NO. 5411 BY NORMAN J. NEELLEY FOR A WATER USE PERMIT PURSUANT TO TEXAS WATER CODE SECTION 11.121 For Commission action. Applicant seeks to divert and use 20 acre-feet of water per annum from North Bosque River to irrigate 10 acres of land, approximately 5 miles north of Clifton, Brazos River Basin, Bosque County, Texas. (SMITH:rma)

Approved, JH/PR

Item 46. APPLICATION NO. 21-3074A BY DONALD R. LINDENBORN, JR. TO AMEND CERTIFICATE NO. 21-3074. FOR COMMISSION ACTION. Applicant seeks to amend Certificate No. 21-3074 to change the purpose of use of 10 acre-feet of water per annum from irrigation use to mining use for a period of 5 years, Nueces River, Nueces River Basin, Zavala County, Texas. (SMITH:rma)

Approved, JH/PR

Item 47. REVISED APPLICATION NO. 08-2457D BY THE CITY OF DALLAS TO AMEND CERTIFICATE OF ADJUDICATION NO. 08-2457, AS AMENDED. For Commission action. Applicant seeks to amend Certificate No. 08-2457, as amended, by adding a diversion point on the Elm Fork Trinity River and by increasing the combined maximum diversion rate authorized in the certificate from 37.14 cfs to 950 cfs. The other requests in the application to use an additional annual appropriation of 45,000 acre-feet of water and to operate the Elm Fork Trinity River and Lewisville Lake as a system has been withdrawn. (JORDAN;tls)

Remand to Office Hearing's Examiner, JH/PR

Item 48. APPLICATION NO. 23-697A BY HUBERT HUDSON, ET AL TO AMEND CERTIFICATE NO. 23-697A PURSUANT TO TWC SECTION 11.122. FOR COMMISSION ACTION. Applicant seeks to add 40 acres of land to the 100 acres of land authorized for irrigation under the certificate. This is an adjacent tract of land on the applicants 6000 acre ranch on the Rio Grande in Starr County. No other amendments are sought. (SMITH/lb)

Approved, JH/PR

Item 49. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF THE CITY OF THREE RIVERS FOR CERTIFICATES OF CONVENIENCE AND NECESSITY TO PROVIDE WATER AND SEWER SERVICE IN LIVE OAK COUNTY, TEXAS. (Docket NOS. 8581-C & 8582-C). RECOMMENDATION: Adoption of agreement of parties. (WOOD)

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

Item 50. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF KICKAPOO UTILITIES, INC. TO INCREASE RETAIL WATER AND SEWER RATES IN HARRIS COUNTY, TEXAS (DOCKET NO. 9405-G). APPLICANT PROVIDES RETAIL WATER AND SEWER SERVICE TO APPROXIMATELY 27 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (O'NEAL).

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

Item 51. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF EL PASO COUNTY LOWER VALLEY WATER DISTRICT AUTHORITY FOR WATER AND SEWER CERTIFICATES OF CONVENIENCE AND

NECESSITY IN EL PASO COUNTY, TEXAS, AND FOR DECERTIFICATION OF A PORTION OF THE CITY OF EL PASO'S CCN NO. 10211. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES INCLUDES DISMISSAL WITHOUT PREJUDICE OF THE APPLICATION FOR CCNS WHICH WERE FILED BY THE AUTHORITY AND DECERTIFICATION OF A PORTION OF THE CITY OF EL PASO'S CCN NO. 10211.

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

Item 52. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF WALNUT CREEK W.S.C. FOR CREATION OF AND CONVERSION TO WALNUT CREEK SPECIAL UTILITY DISTRICT AND THE TRANSFER CCN NO. 10285. TO PROVIDE WATER SERVICE IN PARKER & WISE COUNTIES, TEXAS. (I.C. NO. 022291-D0-1. RECOMMENDATION: ADOPTION OF AGREEMENT OF ADOPTION OF AGREEMENT OF PARTIES. (COLBERT)

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

Item 53. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF ROBERT J. TATE dba THE OAKS WATER SYSTEM FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICE IN GRAYSON COUNTY, TEXAS. (DOCKET NO. 9017-C). RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. THOMAS

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

Item 54. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION FOR CREATION OF FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 111 IN FORT BEND COUNTY, TEXAS. (TWC IC No. 120991-D01) RECOMMENDATION: GRANTING OF PETITION FOR CREATION OF THE M.U.D. (HARRIS)

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

Item 55. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION FOR CREATION OF FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 92 TO PROVIDE SERVICES IN FORT BEND COUNTY, TEXAS. (IC NO. 112091-D01). RECOMMENDATION: GRANTING OF PETITION FOR CREATION OF THE M.U.D. (ROGAN)

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

Item 56. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF HEMPHILL CONTRACTING CO. dba MITCHELL COUNTY UTILITY CO. TO INCREASE RETAIL WATER RATES IN MITCHELL COUNTY, TEXAS (DOCKET NO. 9417-R). Applicant provides retail water service to approximately 914 customers. Recommendation: Adoption of agreement of parties. (JACKSON)

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

Item 57. RATIFICATION OF A CONTRACT WITH SELECTED BIDDER FOR GENERAL CONTRACTOR WORK AT EIGHT LPST STATE LEAD SITES IN SOUTH TEXAS. (Cathy Rashin)

Continued to July 22, 1992.

Item 58. AUTHORIZE AN INSTALLMENT PURCHASE OF INGRES DATABASE SOFTWARE LICENSE UPGRADES TO SUPPORT TRACS DEVELOPMENT AND PRODUCTION. (EVANS)

Approved, PR/JH

Item 59. AUTHORIZE THE PURCHASE OF NOVELL NETWARE LOCAL AREA NETWORK (LAN) SOFTWARE LICENSES FOR THE AGENCY TO PROVIDE FOR CONVERSION FROM IBM OS/2 LAN SERVER SOFTWARE.

Approved, PR/JH

UNCONTESTED OLD BUSINESS

Wednesday, July 8, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of June 10, 1992.

- Item 1. APPLICATION NO. 5314A BY C.D. (JOSH) HAM TO AMEND WATER USE PERMIT NO. 5314. For Commission consideration and action. Applicant seek to amend Permit No. 5314, which authorizes the diversion of not to exceed 300 acre-feet of water per annum from the East Fork Angelina River, Neches River Basin, to an off-channel reservoir complex for industrial (fish farming) purposes in Rusk County, to indicate that the reservoir complex will actually be on Dill Creek, tributary of the East Fork Angelina River in lieu of being off-channel. (JORDAN;tls)

Continued to July 22, 1992

Item carried forward from Agenda of June 24, 1992.

- Item 2. APPLICATION BY WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 9 FOR APPROVAL OF \$350,000 OF UNLIMITED TAX BONDS, THIRD BOND ISSUE. For Commission consideration and action. Applicant requests approval to issue \$350,000 in unlimited tax bonds to reimburse the District's operating account for various improvements to the District's water and wastewater treatment facilities. (Cook)

Approved, PR/PG

CONTESTED AGENDA

Wednesday, July 8, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF E.I. DU PONT DE NEMOURS AND COMPANY, SWR NO. 30018, SAN PATRICIO COUNTY. (Alvarado)

Continued to October 7, 1992

Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF DON MOYER DBA SHADY LANE DAIRY, NO PERMIT. (Martinez)

Continued to September 9, 1992

Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PROPOSED ORDER FOR HECTOR J. ESCOBAR DBA HORIZON TRUCK WASH, FOR VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE, AND FINDING THAT NO FURTHER ACTION IS NECESSARY, PERMIT NO. 03033-01. (Haberle)

Continued to July 22, 1992

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ROHM AND HAAS TEXAS, INC., PERMIT NO. 00458. (Ligarde)

Remand to Office Hearing's Examiner, PG/PR

Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER REQUIRING CERTAIN ACTIONS OF JOHN BECKTON, TWC ID NO. E10011. (Alvarado)

Withdraw Petition

Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF COASTAL MART, INC., TWC FACILITY ID NO. 06729. (Alvarado)

Issue Agreed Order, JH/PR

Item 7. CONSIDERATION OF THE CITY OF WILLS POINT'S REQUEST FOR AN EMERGENCY ORDER PURSUANT TO 31 TAC SECTION 305.29 TO WAIVE THE LINER PERMIT PROVISIONS OF MUNICIPAL SOLID WASTE PERMIT NO. 1874. (Ryland)

Request is Denied, PR/JH

Item 8. CONSIDERATION OF CONSOLIDATED APPEALS OF THE EXECUTIVE DIRECTOR'S DECISION REGARDING THE INTERIM STATUS OF A SOLID WASTE FACILITY OPERATED BY TRICIL ENVIRONMENTAL RESPONSE, INC. NEAR ALTAIR, COLORADO COUNTY, TEXAS. THESE APPEALS HAVE BEEN FILED BY THE LOWER COLORADO RIVER AUTHORITY, COLORADO COUNTY AND THE ALLIANCE FOR A CLEAN ENVIRONMENT.

Modify Executive Director's Decision on Interim Status and adopt recommendations made by Chairman Hall. JH/PR

Item 9. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR AN EMERGENCY ORDER REQUIRING TEXACO REFINING AND MARKETING, INC. TO UNDERTAKE CERTAIN ACTIONS AT OR NEAR ITS FACILITY IN POTTER COUNTY. (Hahn)

Issue Emergency Order, PG/JH

Item 10. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION & ORDER CONCERNING THE APPLICATION OF BORDEN, INC. FOR PERMIT NO. 02872 TO AUTHORIZE THE DISPOSAL BY IRRIGATION OF NOT TO EXCEED 60,000 GPD OF COTTAGE CHEESE WHEY IN HOPKINS COUNTY, TEXAS AND SEGMENT NO. 0303 OF THE SULPHUR RIVER BASIN. RECOMMENDATION: DENIAL OF PERMIT. (LIMES)

Adopt Examiner's Proposal For Decision and Issue Order And Dismiss W/O Prejudice. JH/PR

Item 11. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF OAKRIDGE WATER CO. OF TEXAS TO INCREASE RETAIL WATER AND SEWER RATES IN HARRIS, POLK, MONTGOMERY AND TRINITY COUNTIES, TEXAS (DOCKET NO. 9133-R). APPLICANT PROVIDES RETAIL WATER AND SEWER SERVICE TO APPROXIMATELY 529 CUSTOMERS. RECOMMENDATION: DENIAL OF RATE INCREASE. (JACKSON).

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

Item 12. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE COMPLAINT OF TEXAS BOARD OF IRRIGATORS AGAINST C. FLOYD HENDERSON, CERTIFICATE OF REGISTRATION NO. 1056 IN HARRIS COUNTY, TX. RECOMMENDATION: SUSPENSION OF CERTIFICATE OF REGISTRATION NO. 1056. (COLBERT)

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

Item 13. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF CLEAR CREEK WATER COMPANY, INC. TO INCREASE RETAIL WATER RATES IN HENDERSON COUNTY, TEXAS (DOCKET NO. 9323-R). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 219 CUSTOMERS. RECOMMENDATION: DENIAL OF RATE INCREASE FOR ALL SYSTEMS EXCEPT CEDAR VIEW. (O'NEAL)

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

Item 14. 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.

General Counsel is to do a certified copy

Item 15. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO DISCUSS LITIGATIONS AND RELATED AGENCY ACTIONS CONCERNING EDWARDS AQUIFER.

No Formal Action Taken

ADDENDUM TO CONTESTED AGENDA

Wednesday, July 8, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 16. CONSIDERATION TO APPROVE THE REPORTS, FISCAL YEAR 1991 REVISIONS TO THE STATE OF TEXAS WATER QUALITY MANAGEMENT PLAN; GREATER HOUSTON AREA WATER QUALITY MANAGEMENT PLAN UPDATE (1990); LRGVDC POPULATION PROJECTIONS 1990-2010 (1990); CORPUS CHRISTI DESIGNATED AREA AND LOWER NUECES BASIN PLANNING UPDATE SUMMARY REPORT (1990); AND SOUTH EAST TEXAS REGIONAL PLANNING COMMISSION WATER QUALITY MANAGEMENT PLAN UPDATE (1990), AS ADOPTED REVISIONS TO THE STATE OF TEXAS WATER QUALITY MANAGEMENT PLAN AND CERTIFY THEM TO THE ENVIRONMENTAL PROTECTION AGENCY TO SATISFY FEDERAL WATER QUALITY MANAGEMENT PLANNING REQUIREMENTS. (STECH)

Approve Staff Recommendation, PR/PG

Item 17. CONSIDERATION OF THE REQUEST OF ELF ATOCHEM NORTH AMERICA, INC., FOR AN EMERGENCY ORDER PURSUANT TO TEXAS WATER CODE SECTIONS 26.0191 AND 26.019 AUTHORIZING THE INSTALLATION, OPERATION, AND MAINTENANCE OF, AND DISCHARGE FROM, A SYSTEM FOR THE EXTRACTION AND TREATMENT OF CONTAMINATED GROUNDWATER. (Ray)

Continued to July 22, 1992

SECOND ADDENDUM TO CONTESTED AGENDA

Wednesday, July 8, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 18. BRIEFING OF THE TEXAS WATER COMMISSIONERS BY THE EXECUTIVE DIRECTOR REGARDING PROPOSED CHANGES TO 31 TAC CHAPTER 337 PROVIDING FOR THE ISSUANCE OF FIELD CITATION FOR VIOLATIONS OF COMMISSION RULES, ORDERS, PERMITS AND APPLICABLE LAWS. (BATTERTON/SMITH, J.)

Deferred to July 23, 1992.