

Chairman Hall-Present
Commissioner Garner-Present
Commissioner Reed-Absent OB1, 1-25

UNCONTESTED AGENDA

Wednesday, October 28, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. APPLICATION BY COLD SPRINGS PROCESSING AND DISPOSAL for an amendment to Permit No. MSW1225 to allow an increase in the capacity of the facility. This application has been designated Application No. MSW1225-A. Application No. MSW1225-A will allow approximately 600,000 gallons per month of grease trap wastes and approximately 600,000 gallons per month of grit trap wastes to be dewatered and treated prior to the wastes being taken to approved landfills. The applicant operates a Type V (liquid waste dewatering) municipal solid waste management facility. The facility is on a 10.272-acre site, located at 1300 Cold Springs Road, immediately west of the Rock Island and Missouri Pacific Railroad, and 1000 feet north of Spur Highway 347 (Belknap Street) in Fort Worth, Tarrant County, Texas.

Approved, PG/JH

Item 2. APPLICATION BY AMOCO OIL COMPANY for an amendment to Permit No. 00443 to relocate the discharge point for Outfall 001. The permit currently authorizes the discharge of treated wastewaters at an average flow volume not to exceed 23,000,000 gallons per day via Outfall 001; the discharge of settling pond effluent at a volume not to exceed an average flow of 200,000 gallons per day via Outfall 002; and a variable discharge of stormwater via Outfall 003, which will remain the same. The applicant currently operates a petroleum refinery and an organic chemical plant. The plant site is at 2401 Fifth Avenue South in the City of Texas City in Galveston County, Texas.

Approved, PG/JH

Item 3. APPLICATION BY BEECHWOOD WATER SUPPLY CORPORATION for renewal of Permit No. 11423-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 50,000 gallons per day from the Beechwood Subdivisions III and IV Wastewater Treatment Facilities. The wastewater treatment facilities are located approximately 5.0 miles east of the intersection of State Highway 87 and Farm-to-Market Road 3315 on the west shoreline of Toledo Bend Reservoir in Sabine County, Texas.

Approved, PG/JH

Item 4. APPLICATION BY CITY OF BEEVILLE for renewal of Permit No. 10124-02 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 2,500,000 gallons per day from the Moore Street Wastewater Treatment Facilities. The wastewater treatment facilities are

located adjacent to Poesta Creek, east of the U.S. 181 Bypass, north of State Highway 202, south-southeast of the City of Beeville in Bee County, Texas.

Continued to November 18, 1992

Item 5. APPLICATION BY CITY OF EDNA for renewal of Permit No. 10164-01 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 located approximately one mile southeast of the intersection of U.S. Highway 59 and State Highway 111, adjacent to the south bank of Dry Creek, southeast of the City of Edna in Jackson County, Texas.

Approved, PG/JH

Item 6. APPLICATION BY GATX TERMINALS CORPORATION for renewal of Permit No. 00413 which authorizes intermittent flow variable discharges of stormwater runoff from a bulk liquid petroleum products terminal via Outfalls 001, 002, 003, 004, 005, and 006. The plant site is located at 906 Clinton Drive in the City of Galena Park, Harris County, Texas.

Approved, PG/JH

Item 7. APPLICATION BY CITY OF KINGSVILLE for renewal of Permit No. 10696-01 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 permittee is also authorized to use the treated effluent to irrigate 800 acres of land at an application rate not to exceed 3.1 acre-feet/acre/year. The wastewater treatment facilities are located approximately 2,640 feet east of U.S. Highway 77 on the south side of Farm-to-Market 2045 in Kleberg County, Texas.

Approved, PG/JH

Item 8. APPLICATION BY CITY OF LA PORTE for renewal of Permit No. 10206-01 which authorizes a discharge of treated domestic wastewater effluent at a final volume not to exceed an average flow of 7,560,000 gallons per day. The permittee is authorized to use the treated effluent from this facility to irrigate 187 acres of a golf course and park land at an application rate not to exceed 1.85 acre-feet/acre/year. The wastewater treatment facilities are located at 1301 South 4th Street, approximately 0.5 mile southeast of the intersection of State Highway 146 and Fairmont Parkway in Harris County, Texas.

Approved, PG/JH

Item 9. APPLICATION BY CITY OF OAKWOOD for renewal of Permit No. 10586-01 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 located immediately southeast of the intersection of Farm-to-Market Highway 831 and Farm-to-Market Highway 542, approximately one mile southeast of Oakwood in Leon County, Texas.

Approved, PG/JH

Item 10. APPLICATION BY OSCAR MAYER FOODS CORPORATION for renewal of Permit No. 01991 which authorizes a discharge of noncontact cooling water, condenser blowdown, and stormwater runoff at a volume not to exceed an average flow of 65,000 gallons per day from a meat processing facility. The plant site is at 4726 Highway 75 South, in the City of Sherman, Grayson County, Texas.

Approved, PG/JH

Item 11. APPLICATION BY TEXAS UTILITIES ELECTRIC COMPANY for renewal of Permit No. 00554 which authorizes a discharge of Unit 6 once through cooling water at a volume not to exceed an average flow of 360,000,000 gallons per day via Outfall 001. The permit also authorizes a discharge of Unit Nos. 2, 3, 4, 5, and 6 once through cooling water at a volume not to exceed an average flow of 720,000,000 gallons per day via Outfall 002. Plus, Outfall 003 authorizes an intermittent flow variable discharge of low volume wastewater, stormwater, and previously monitored effluent. The steam electric station is adjacent to Lake Colorado City, approximately 5 miles southwest of the City of Colorado City, Mitchell County, Texas.

Approved, PG/JH

Item 12. APPLICATION BY THE VALSPAR CORPORATION for renewal of Permit No. 02003 which authorizes intermittent flow variable discharges of stormwater runoff from a plant which manufactures solvent based paint products. The plant site is at 1700 Doucette Street in the City of Beaumont, Jefferson County, Texas.

Approved, PG/JH

Item 13. APPLICATION BY HARRIS COUNTY UTILITY DISTRICT NO. 5 FOR APPROVAL OF A \$4,215,000 CONTRACT REVENUE BONDS, ELEVENTH ISSUE, 7.68% NET EFFECTIVE INTEREST RATE. For Commission consideration and action. Applicant requests Commission approval for a bond issue to finance regional water utility infrastructure to serve districts located in its Service Area "B". (Toliver)

Approved, PG/JH

Item 14. APPLICATION BY EMERALD FOREST UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF A \$2,600,000 UNLIMITED TAX FOURTH BOND ISSUE, 7.5% NET EFFECTIVE INTEREST RATE. For Commission consideration and action. Applicant requests Commission approval for bond issue to finance the construction of water plant no. 3, the repainting of an elevated storage tank, the rehabilitation of a portion of wastewater collection system, & the reimbursement to First Height Bank for the cost of existing water, wastewater and drainage facilities in Woodedge Park.

Approved, PG/JH

Item 15. APPLICATION BY MOUNT HOUSTON ROAD MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$1,600,000 BOND ISSUE APPROVED OCTOBER 28, 1982. For Commission consideration and action. Applicant requests the use of \$222,890 in surplus funds to finance construction of chlorination equipment & control building, drainage channel reconstruction, mobile home park outfall ditch clean-out,

culvert removal, concrete driveway to wastewater treatment plant, lift station top replacement, wastewater treatment facilities repair, roof replacement at water plant no. 2, driveway to water plant no. 1.

Approved, PG/JH

Item 16. APPLICATION BY HARRIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 114 FOR APPROVAL OF ESCROW RELEASE; \$1,100,000 BOND ISSUE, APPROVED DECEMBER 19, 1990. For Commission consideration and action. Applicant requests Commission approval for the release of escrowed funds for construction of water distribution facilities within the District. (DeRusse)

Approved, PG/JH

Item 17. APPLICATION FOR APPOINTMENT OF DIRECTORS IN HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 173. For Commission consideration and action. FM Properties Operating Co. requests appointment of Charles Celauro, Nancy K. Eargle, Douglas H. Konopka, John S. Perry, and Pamela B. Puckett as directors.

Approved, PG/JH

Item 18. APPLICATION OF JESSE H. MCLARTY, BELINDA MATTE AND JAN SANFORD DBA PLANTATION BEND SUBDIVISION FOR A WATER CCN IN BRAZORIA COUNTY. APPLICATION NO. 9538-C. (GONZALEZ).

Approved, PG/JH

Item 19. APPLICATION BY CITY OF LIPAN TO TRANSFER WATER CCN 12283 FROM LIPAN WATER WORKS INC. IN HOOD COUNTY. APPLICATION NO. 9444-S (ABREGO).

Approved, PG/JH

Item 20. APPLICATION OF LOB CIVIC WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Matagorda County, TX (Application No. 9222-C, Fenner)

Approved, PG/JH

Item 21. APPLICATION TA-6894 BY MEDINA COUNTY FOR A TEMPORARY WATER USE PERMIT PURSUANT TO TWC 11.138. FOR COMMISSION ACTION. Applicant seeks to divert and use 8 acre-feet of water from the San Antonio and the Nueces River Basins within a 3 year period from various creeks and rivers throughout Medina County for general county roadway construction and maintenance throughout the county. (Smith/jme)

Approved, PG/JH

Item 22. APPLICATION NO. 5425 BY ARLINGTON SPORTS FACILITIES DEVELOPMENT AUTHORITY, INC. FOR A WATER USE PERMIT. For Commission consideration. Applicant seeks authorization to construct and maintain a dam creating a reservoir on Johnson Creek, Trinity Basin, for in-place recreation use (in conjunction with a new baseball stadium for the Texas Rangers) in Tarrant County, approximately 15.5 miles east of Arlington, Texas. (SMITH/tls)

Approved, PG/JH

Item 23. APPLICATION NO. 18-1975A BY TEXAS PARKS AND WILDLIFE DEPARTMENT DESIGN AND CONSTRUCTION DIVISION TO AMEND CERTIFICATE NO. 18-1975. FOR COMMISSION ACTION. Applicant seeks authorization to maintain existing impoundments below the spring head at Stockman Springs. Also to document the diversion of 5780 acre-feet of water per annum through the aqueduct of which only 400 acre-feet of water is consumed in the operation of the Heart of the Hills Fisheries Research Station. To reduce the diversion rate from 25 to 15 cfs and to limit diversions into the aqueduct to times when flows are at least 1 cfs in Fessenden Branch Creek

Continued to November 18, 1992

Item 24. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT OF SUBSTANTIAL NONCOMPLIANCE AND ORDER FINDING SUBSTANTIAL NONCOMPLIANCE AND FINDING NO FURTHER ACTION IS NECESSARY OF THE CITY OF MALONE, PERMIT NO. 10504-01. (Meyer, M.)

Continued to December 2, 1992

Item 25. CONSIDERATION OF A REQUEST BY THE CITY OF ALAMO FOR AN ORDER AUTHORIZING THE CONSTRUCTION OF A WASTEWATER TREATMENT FACILITY PRIOR TO COMMISSION CONSIDERATION OF THE APPLICATION FOR A PERMIT. (Keils)

Approve Staff Recommendation, PG/JH

Item 26. CONSIDERATION OF AUTHORIZING THE EXECUTIVE DIRECTOR TO UTILIZE FUND 550 IN CONTRACT TO INSTALL WATER SUPPLY TO THE EFFECTED PARTIES AND PERFORM INVESTIGATION OF LEIGH METAL COATINGS SUPERFUND SITE. (Louis Rogers).

Approved Staff Recommendation, PG/PR

Item 27. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF BAUMGART WSC TO INCREASE RETAIL WATER RATES IN ARANSAS COUNTY, TEXAS (DOCKET NO. 9416-R). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 510 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (WOOD)

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

Item 28. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF WOODCREEK UTILITIES, INC. TO INCREASE RETAIL WATER AND SEWER RATES IN HAYS COUNTY, TEXAS; DOCKET NO.7486-R. WOODCREEK UTILITIES, INC. TO REVIEW THE WATER AND SEWER RATES SET BY THE CITY OF WOODCREEK, HAYS COUNTY, TEXAS. (DOCKET NO. 9050-A). APPLICANT PROVIDES RETAIL WATER/SEWER SERVICE TO APPROXIMATELY 591 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (THOMAS)

Adopt Examiner's Memorandum and Issue Order, with changes as recommended by the Executive Director, PR/PG

Item 29. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF CALICO WATER SUPPLY, INC. FOR AN AMENDMENT TO CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 12023 AND DECERTIFY A PORTION OF CCN No. 11489 TO PROVIDE WATER SERVICE IN WILSON COUNTY, TEXAS. (DOCKET NO. 9442-C). (SORRELLS)

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

Item 30. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING

THE APPLICATION OF MR. & MRS. JACK RENICK dba PARK WATER
SUPPLY TO DISCONTINUE WATER UTILITY SERVICE IN BELL COUNTY,
TEXAS. DOCKET NO. 8631-Q). RECOMMENDATION: DISMISSAL OF THE
APPLICATION PURSUANT TO THE EXAMINER'S RECOMMENDATION.
(ZUKAUCKAS)

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

UNCONTESTED OLD BUSINESS

Wednesday, October 28, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of October 21, 1992.

- Item 1. APPLICATION OF SOUTHERN UTILITIES COMPANY, INC. to Transfer facilities and service area from Combined Water Systems, Inc., and to cancel CCN No. 11946 in Cherokee County, TX (Application No. 9517-S, Gonzalez)

Approved, PG/JH

CONTESTED AGENDA

Wednesday, October 28, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

- Item 1. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE PETITION OF THE EXECUTIVE DIRECTOR FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF VALERO REFINING COMPANY; SWR No. 30478. RECOMMENDATION: APPROVING WITHDRAWAL OF PETITION. (ROGAN)

Approve Staff Recommendation, PR/JH

- Item 2. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF FRANK ZELLERS DBA ROCKING Z DAIRY FOR PERMIT NO. 03392 TO AUTHORIZE WASTE DISPOSAL FROM A DAIRY OPERATION TO BE LOCATED IN ERATH COUNTY, TEXAS. APPLICANT SEEKS TO WITHDRAW HIS PERMIT APPLICATION WITHOUT prejudice. RECOMMENDATION: DISMISSAL OF APPLICATION WITHOUT PREJUDICE. (O'NEAL)

Dismiss Without Prejudice and Pay Legal Fees of \$750.00, JH/PR

- Item 3. 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 4. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO DISCUSS THE FOLLOWING PENDING LITIGATION AND OTHER LITIGATION THAT MAY ARISE CHALLENGING OR SUPPORTING COMMISSION ACTION RELATED TO THE EDWARDS AQUIFER: DANNY MCFADEN AND TEXAS FARM BUREAU VS. TEXAS WATER COMMISSION, NO. 92-05214, 331ST DISTRICT COURT OF TRAVIS COUNTY; EDWARDS UNDERGROUND WATER DIST. ET AL. VS. LIVING WATERS ARTESIAN SPS. LTD., ET AL., NO. 91-CI-14862, 57TH DISTRICT COURT OF BEXAR COUNTY; SIERRA CLUB, ET AL. VS. LUJAN, ET AL., NO. 91-CA-069, U.S. DISTRICT COURT, WESTERN DIST. OF TEXAS, MIDLAND ODESSA DIV.; GBRA VS. TEXAS FARM BUREAU, ET AL., NO. 92-05226, 299TH DISTRICT COURT OF TRAVIS COUNTY. L.B.TURLOVE, JR. AND JO HELEN BATOT VS. THE STATE OF TEXAS, TEXAS WATER COMMISSION, CAUSE NO. 92-08-18, 127-CV OF UVALDE COUNTY, 38TH JUDICIAL DISTRICT. THE AUTHORITY FOR THIS MEETING IS TEX. REV. CIV. STAT. ANN. ART. 6252-17, SEC. 2 (e).

No Action Taken

ADDENDUM TO CONTESTED AGENDA

Wednesday, October 28, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 5. Consideration of the Executive Director to adopt new section 331.147, relating to financial assurance for closure costs of injection control wells.

Withdraw consideration

CONTESTED OLD BUSINESS

Wednesday, October 28, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from agenda of October 14, 1992.

- Item 1. APPLICATION TO AMEND THE LOWER COLORADO RIVER AUTHORITY'S WATER MANAGEMENT AND DROUGHT MANAGEMENT PLANS. For Commission action. Proposed amendments of the Lower Colorado River Authority's Water Management and Drought Management Plans, Colorado River Basin. (SHARON SMITH:jgb)

Continued to November 18, 1992.