

HALL
REED
GARNER

UNCONTESTED AGENDA

Wednesday, June 2, 1993

TEXAS WATER COMMISSION

9:00 a.m.

Room 118

UNCONTESTED (Proposed Waste Disposal Well Permit)

- Item 1. APPLICATION BY IBP, INC. for a new underground injection control permit (Proposed Permit No. WDW-312) to authorize subsurface disposal of nonhazardous industrial waste from its beef production complex. IBP has also filed an application with TWC to renew and amend existing Permit No. WDW-120 which authorizes subsurface disposal of nonhazardous industrial wastes at this same location. The application for WDW-120 would renew the existing permit, redefine the subsurface depths of the injection zone and the injection interval, modify the permitted injection rate and volume and add two replacement brine water tanks. Waste disposal well WDW-120 and proposed well WDW-312 are on company property at the IBP Beef Production Complex-Amarillo facility, approximately 11 miles northeast of Amarillo in Potter County.

APPROVED, PR/PG

UNCONTESTED (Minor Amendment to Waste Disposal Well)

- Item 2. APPLICATION BY ASARCO, INCORPORATED for a minor amendment to underground injection control Permit No. WDW-273 in order to redefine the injection zone and formally define the injection interval. The well is authorized to inject wastewaters from metals refining which are newly designated as hazardous waste by U.S. EPA because of their characteristic acidity and metals content. Waste disposal well WDW-273 is located on company property, approximately 4 1/2 miles northeast of the City of Amarillo in Potter County, Texas.

APPROVED, PG/PR

UNCONTESTED (Water Quality Permits)

- Item 3. APPLICATION BY JIMMY DON & LARRY PACK for a permit (Proposed Permit No. 03563) to authorize disposal of waste and wastewater from a dairy operation. The dairy will consist of

a maximum of 450 head. Washdown water, flushwater and stormwater will be retained in one storage pond, where subsequently it will be used to irrigate agricultural land. The dairy is on the north side of State Highway 8 approximately 5 miles northwest of the intersection of State Highway 8 and Farm-to-Market Road 988 in Erath County, Texas.

APPROVED, PR/PG

Item 4. APPLICATION BY RIDGE HARBOR UTILITY COMPANY for a permit (Proposed Permit No. 13631-01) to authorize disposal of treated domestic sewage effluent by subsurface irrigation absorption beds. The disposal volume is not to exceed an average of 70,000 gallons per day. The Ridge Harbor Subdivision wastewater treatment facility and subsurface irrigation site are approximately 2 and 3/4 miles northeast of the intersection of State Highway 71 and State Highway Loop 191 in Burnet County, Texas.

APPROVED, PR/PG

Item 5. APPLICATION BY CITY OF WELLMAN for a permit (Proposed Permit No. 13642-01) to authorize disposal of treated domestic sewage effluent by irrigation on 8.3 acres of land. The disposal volume is not to exceed an average of 32,000 gallons per day. The wastewater treatment facility will serve the City of Wellman, Texas. Application rates for the irrigated land are not to exceed 4.3 acre-feet/acre/year. The wastewater treatment facility and irrigation site are located approximately 0.25 mile north and 1.2 miles east of the City of Wellman in Terry County, Texas.

APPROVED, PR/PG

UNCONTESTED (Water Quality Amendments)

Item 6. APPLICATION BY CITY OF BRECKENRIDGE for an amendment to Permit No. 10040-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 750,000 gallons per day to a volume not to exceed an average flow of 950,000 gallons per day. The Breckenridge Wastewater Treatment Plant is approximately 6,000 feet north-northeast of the intersection of U.S. Highways 180 and 183, at a point approximately 1,000 feet east of U.S. Highway 183 in Stephens County, Texas.

APPROVED, PR/PG

Item 7. APPLICATION BY FRIO FOODS, INC. for an amendment to Permit No. 02752 to authorize an increase in the disposal of screen vegetable washwater and utility wastewater from a volume not to exceed an average flow of 350,000 gallons to a volume not to exceed an average flow of 489,600 gallons. Wastewater is pumped from the final lagoon to one of two holding ponds and then fed to one of two center-pivot irrigators on, respectively 236 acres of grass land. The applicant operates

a food processing plant where vegetables are washed, blanched and frozen. The plant is approximately two miles west of the City of Uvalde, immediately south of FM 2369 and 1000 feet east of the intersection of FM 2369 and FM 1403 in Uvalde County, Texas.

APPROVED, PR/PG

Item 8. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 11 for an amendment to Permit No. 11351-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 300,000 gallons per day to a volume not to exceed an average flow of 500,000 gallons per day. The wastewater treatment facilities are approximately 500 feet west of the intersection of Steubner-Airline Road and Aldine Western Road and south of and adjacent to a Harris County Flood Control Ditch in Harris County, Texas.

CONTINUED TO JUNE 23, 1993 AT 9:00 A.M.

Item 9. APPLICATION BY TEXAS INSTRUMENTS INCORPORATED for an amendment to Permit No. 01225 to authorize the addition of two intermittent flow variable discharges of stormwater Outfalls 003 and 004. The permit currently authorizes the discharge of industrial and domestic wastewaters and recovered/treated groundwater at a volume not to exceed an average flow of 1,500,000 gallons per day via Outfall 001 and the discharge of utility wastewaters at a volume not to exceed an average flow of 450,000 gallons per day, which will remain the same. The applicant operates an electronic components manufacturing plant. The plant site is at 12201 Southwest Freeway in the City of Stafford in Fort Bend County, Texas.

APPROVED, PR/PG

UNCONTESTED (Water Quality Minor Amendments)

Item 10. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 106 for a minor amendment to Permit No. 13355-01 to authorize the decrease in the amount of treated domestic wastewater effluent from a volume not to exceed an average flow of 1,500,000 gallons per day to a volume not to exceed an average flow of 1,350,000 gallons per day from the Fort Bend County

Municipal Utility District No. 106 Regional Wastewater Treatment Facilities. The plant site is approximately 3000 feet east of Crabb River Road, approximately one mile south southeast of the intersection of U.S. Highway 59 and Crabb River Road and east of Tara Boulevard on the north bank of Rabbs Bayou in Fort Bend County, Texas.

APPROVED, PR/PG

Item 11. APPLICATION BY KELLY LANE UTILITY COMPANY for a minor amendment to Permit No. 13219-01 to authorize the addition of an Interim I phase via Outfall 001. The proposed amendment will authorize disposal of 100,000 gallons per day by discharge in the Interim I phase via Outfall 001. The permit currently authorizes the Interim II phase to discharge treated domestic wastewater effluent at a volume not to exceed an average flow of 250,000 gallons per day via Outfall 001; the Interim III phase to discharge treated domestic wastewater effluent at a volume not to exceed an average flow of 400,000 gallons per day and a final phase to discharge at a volume not to exceed an average flow of 2,000,000 gallons per day from the wastewater treatment facilities, which will remain the same. The plant site is approximately 2,500 feet east of Farm-to-Market Road 685, and approximately 1,600 feet north of Kelly Lane in Travis County, Texas.

APPROVED, PR/PG

Item 12. APPLICATION BY ALBERT C. LUECK II for a minor amendment to Permit No. 03077 to authorize the disposal of waste and wastewater from a dairy. The proposed amendment is to include an additional storage pond (RCS No. 4), pipe corrals and feed lanes constructed after the permit was originally issued. The dairy consists of a maximum of 1,320 milking head. Washdown water, flushwater and stormwater is retained in four (4) storage ponds and related appurtenances. Wastewater from the ponds is disposed of by evaporation and/or irrigation on agricultural land. The dairy is on the east side of Farm-to-Market Road 219, approximately 2.5 miles south of the intersection of Farm-to-Market Road 1702 and Farm-to-Market Road 219 in Erath County, Texas.

APPROVED, PR/PG

Item 13. APPLICATION BY JOHN ROOF for a minor amendment to Permit No. 03277 to authorize removal of three (3) pieces of land that are not being used for manure and sludge disposal from the land used as off-site disposal for the dairy. The dairy consists of a maximum of 650 head. Washdown water, flushwater and stormwater is retained in two (2) ponds. Wastewater from the ponds is disposed of by irrigation on agricultural land. The dairy is on the west side of County Road 1226, approximately four miles north of the intersection of County Road 1226 and State Highway 67 in Johnson County, Texas.

CONTINUED TO JUNE 23, 1993 AT 9:00 A.M.

UNCONTESTED (Water Quality Renewal Permit)

Item 14. APPLICATION BY BEAZER WEST, INC. for renewal of Permit No. 02970 which authorizes an intermittent flow variable discharge of groundwater and stormwater runoff from a sand and gravel mining operation at the Cobb Plant. The plant site is approximately 3.1 miles south of Seagoville near Bilindsay Road and Malloy Bridge Road, Dallas County, Texas.

RENEWED, PR/PG

Item 15. APPLICATION BY BICC CABLES CORPORATION for renewal of Permit No. 01270 which authorizes a discharge of treated domestic wastewater and boiler blowdown at a volume not to exceed an average flow of 15,500 gallons per day via Outfall 001. The permit also authorizes a discharge of cooling tower blowdown at a volume not to exceed an average flow of 40,000 gallons per day via Outfall 002. Plus, Outfall 003 authorizes an intermittent flow variable discharge of stormwater runoff. The applicant operates an aluminum wire drawing and insulating plant. The plant site is at the intersection of U.S. Highway 80 and FM 2199, approximately 8 miles east of the City of Marshall, Harrison County, Texas.

RENEWED, PR/PG

Item 16. APPLICATION BY CONOCO, INC. for renewal of Permit No. 02917 which authorizes intermittent flow variable discharges of treated wastewater and stormwater runoff from a petroleum products storage and loading terminal. The plant site is south of Farm to Market Road 899 at the west city limits of the City of Mount Pleasant, Titus County, Texas.

RENEWED, PR/PG

Item 17. APPLICATION BY FRANKLIN FEDERAL BANCORP, THE CLIFFS for renewal of Permit No. 02789 which authorizes intermittent flow variable discharges of reject water from a reverse osmosis unit, a partial desalting unit and effluent from a wastewater treatment facility. The permittee is also authorized to use the effluent to irrigate a golf course at an application rate not to exceed 4.0 acre-feet/acre/year. The plant site is adjacent to Possum Kingdom Lake immediately west of State Highway 16 and south of the Brazos River, Palo Pinto County, Texas.

CONTINUED TO JUNE 23, 1993 AT 9:00 A.M.

Item 18. APPLICATION BY HARRIS COUNTY FRESH WATER SUPPLY DISTRICT 1A for renewal of Permit No. 11195-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 350,000 gallons per day. The wastewater treatment facilities are approximately 1/4 mile north of the intersection of Wade Road and Interstate Highway 10, north of the City of Baytown in Harris County, Texas.

RENEWED, PR/PG

Item 19. APPLICATION BY HOUSTON LIGHTING AND POWER COMPANY for renewal of Permit No. 01039 which authorizes a discharge of cooling tower blowdown and previous monitored effluents at a volume not to exceed an average flow of 3,950,000 gallons per day from T. H. Wharton Steam Electric Station. The plant site is at 16301 Tomball Parkway (FM 149) approximately 1000 feet south of the intersection of Mills Road and FM Road 149, approximately 17 miles northwest of the City of Houston, Harris County, Texas.

RENEWED, PR/PG

Item 20. APPLICATION BY LAKE TRAVIS INDEPENDENT SCHOOL DISTRICT for renewal of Permit No. 12920-01 which authorizes the disposal by absorption field of treated domestic sewage effluent at a volume not to exceed an average flow of 40,000 gallons per day. The wastewater treatment facility and subsurface disposal site are west of Ranch Road 620, approximately 2 miles north-northwest of the intersection of Ranch Road 620 and State Highway 71 in Travis County, Texas.

RENEWED, PR/PG

Item 21. APPLICATION BY CITY OF PALESTINE for renewal of Permit No. 10244-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 2,050,000 gallons per day from the Town Creek Wastewater Treatment Facilities. The plant site is approximately 4 miles southwest of the intersection of State Highway 256 and U.S. Highway 84-79 at the confluence of Basset Creek and Town Creek southwest of the City of Palestine in Anderson County, Texas.

RENEWED, PR/PG

Item 22. APPLICATION BY PRAXAIR INC. for renewal of Permit No. 02529 which authorizes a discharge of cooling tower blowdown, truck wash water, maintenance wash water, and stormwater runoff at a volume not to exceed an average flow of 250,000 gallons per day from a cryogenic air separation plant producing oxygen, nitrogen, and argon. The plant site is at the intersection of Strang Road and State Highway 225 in the City of La Porte, Harris County, Texas.

RENEWED, PR/PG

Item 23. APPLICATION BY SOUTHWESTERN WATER CORPORATION for renewal of Permit No. 13293-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 42,400 gallons per day from the Goforth Utility Company Wastewater Treatment Facilities. The plant site is approximately 4 miles southeast of the intersection of Interstate Highway 35 and Farm to Market Road 2001 and 5 miles north of the intersection of State Highway 21 and Farm to Market Road 2720 in Hays County, Texas.

CONTINUED TO JUNE 23, 1993 AT 9:00 A.M.

Item 24. APPLICATION BY SUPERIOR DERRICK SERVICES, INC. for renewal of Permit No. 12443-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 2,400 gallons per day. The wastewater treatment facilities are approximately 250 feet west of Fairbanks-N. Houston Road and approximately 3/4 mile north of Taub Road in Harris County, Texas.

RENEWED, PR/PG

UNCONTESTED (Water Right Permits)

Item 25. APPLICATION NO. 5433 BY EL PASO COUNTY WATER IMPROVEMENT DISTRICT NO. ONE FOR A PERMIT GRANTING SPECIFIC RIGHTS. FOR COMMISSION ACTION. Applicant seeks a permit that will indicate its total water rights as included in Certified Filing No. 123, Water Use Permit No. 293, the Loomis affidavits filed with El Paso County Clerk on July 6, 1889 and its portion of water in Project Storage (as defined in the Rio Grande Compact) and legally available for release and its use, all of which will be diverted from the Rio Grande for use in El Paso and Hudspeth Counties. (SMITH;tls)

CONTINUED TO JUNE 30, 1993 AT 9:00 A.M.

Item 26. APPLICATION NO 244A BY HUDSPETH COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. ONE TO AMEND WATER USE PERMIT NUMBER 236 (A-244) FOR COMMISSION ACTION. Applicant seeks to amend Permit No. 236, which authorizes the diversion and use of not to exceed 27,000 acre-feet of water per annum from a specific point on the Rio Grande to irrigate 9000 acres of land in El Paso and Hudspeth County, by adding two diversion points on the Rio Grande and one diversion point each on Tornillo Drain, Faben Wasteway and Tornillo Wasteway. (SMITH;tls)

CONTINUED TO JUNE 30, 1993 AT 9:00 A.M.

Item 27. APPLICATION NO. 1584C BY THE CITY OF EL PASO WATER UTILITIES PUBLIC SERVICE BOARD TO AMEND WATER USE PERMIT NO. 1535B. FOR COMMISSION ACTION. Applicant seeks to amend Water Use Permit No. 1535, as amended, which authorizes the diversion and use of 11,000 acre-feet of water per annum from the Rio Grande for municipal and domestic use, by adding a diversion point, identifying the City's three existing water treatment plants and allowing for use of a proposed canal extension. (SMITH;tls)

CONTINUED TO JUNE 30, 1993 AT 9:00 A.M.

Item 28. APPLICATION NO. 4191A BY BERNARR N. AND O. LAVERNE PRITCHARD FOR COMMISSION ACTION. Bernarr N. and O. LaVerne Pritchard request an amendment to Permit No. 3862 to extend the term beyond the current expiration of December 31, 1992, or in perpetuity. Permit authorizes 45 acre-feet of water per annum from Dry Creek, tributary of Rock Creek, tributary of the Brazos River, Brazos River Basin, Parker County, Texas.

CONTINUED TO JUNE 23, 1993 AT 9:00 A.M.

Item 29. APPLICATION NO. 23-2775C BY ROBERTO J. VIDAURRI TO AMENDED CERTIFICATE NO. 23-2775 PURSUANT TO TWC 11.122. FOR COMMISSION ACTION. Applicant seeks to amend Certificate of Adjudication No. 23-2775 by adding an a diversion point and to change 30 acre-feet of irrigation rights to mining rights, Rio Grande, Rio Grande Basin, Zapata County, Texas. (SMITH/arc)

APPROVED, PR/PG

UNCONTESTED (Water District Matters)

Item 30. APPLICATION BY NORTHAMPTON MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF \$1,900,000 UNLIMITED TAX AND REVENUE BONDS, 6.94% NET EFFECTIVE INTEREST RATE, SERIES 1993, SEVENTH ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$1,900,000 in unlimited tax and revenue bonds to finance continued District development. (Ferguson)

CONTINUED TO JUNE 23, 1993 AT 9:00 A.M.

Item 31. APPLICATION BY WESTADOR MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF AN EXTENSION OF TIME OF APPROVAL FOR \$4,590,000 OF THE \$5,690,000 BOND ISSUE APPROVED JULY 17, 1986. For Commission consideration and action. Applicant requests approval of an extension of time to sell \$4,590,000 of the \$5,690,000 in bonds for Water Plant Modifications, Sanitary Sewer Rehabilitation, North District Channel Drainage Improvements, & Red Oak Road Storm Sewer. (Ferguson)

APPROVED, PR/JH

Item 32. APPLICATION BY MILLS ROAD MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL TO USE SURPLUS FUNDS; \$5,250,000 BOND ISSUE APPROVED JULY 2, 1993. For Commission consideration and action. Applicant requests Commission approval for use of \$73,900 in surplus funds to finance repairs to water well no. 1 and storage tanks at water plant nos. 1 & 2 within the District. (Ferguson)

APPROVED, PR/JH

Item 33. APPLICATION BY FAULKEY GULLY MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL TO USE SURPLUS FUNDS; \$3,750,000 BOND ISSUE APPROVED JULY 13, 1991. For Commission consideration and action. Applicant requests approval to use \$286,263 in surplus funds to finance engineering and construction of utilities to serve Lakewood Forest, Section 17 and Lakewood Glen Trails, Section One. (Ferguson)

APPROVED, PR/JH

Item 34. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 18 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$1,010,000 BOND ISSUE APPROVED JANUARY 3, 1992. For Commission consideration

and action. Applicant requests approval of the use of \$126,162 in surplus funds to finance painting improvements to water plant no. 2. (Ferguson)

APPROVED, PR/JH

Item 35. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 67 FOR APPROVAL OF A FIRE PROTECTION PLAN. For Commission consideration and action. Applicant requests approval of a proposed fire plan to contract for fire protection services with the City of Sugarland. (Ferguson)

APPROVED, PR/JH

Item 36. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 111 FOR APPROVAL OF A FIRE PROTECTION PLAN. For Commission consideration and action. Applicant requests approval of a proposed fire plan to contract for fire protection services with the City of Sugarland. (Ferguson)

APPROVED, PR/JH

Item 37. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 69 FOR APPROVAL OF A FIRE PROTECTION PLAN. For Commission consideration and action. Applicant requests approval of a proposed fire plan to contract for fire protection services with the City of Sugarland. (Ferguson)

APPROVED, PR/JH

Item 38. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 112 FOR APPROVAL OF A FIRE PROTECTION PLAN. For Commission consideration and action. Applicant requests approval of a proposed fire plan to contract for fire protection services with the City of Sugarland. (Ferguson)

APPROVED, PR/JH

Item 39. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 68 FOR APPROVAL OF A FIRE PROTECTION PLAN. For Commission consideration and action. Applicant requests approval of a proposed fire plan to contract for fire protection services with the City of Sugarland. (Ferguson)

APPROVED, PR/JH

UNCONTESTED (Water Rate Matters)

Item 40. APPLICATION OF BIGFOOT WATER SUPPLY CORPORATION FOR A WATER CERTIFICATE OF CONVENIENCE AND NECESSITY IN FRIO COUNTY, TEXAS (APPLICATION NO. 9945-C, HOLCK)

APPROVED, PG/PR

Item 41. APPLICATION OF HILLTOP ESTATES WATER SUPPLY CORPORATION TO TRANSFER WATER CCN NO. 12387 FROM HILLTOP ESTATES WATER AUTHORITY IN GRAYSON COUNTY, TEXAS (APPLICATION NO. 9926-T,

POE)

REMANDED TO EXECUTIVE DIRECTOR, PG/PR

Item 42. APPLICATION OF TRI-COUNTY WATER SUPPLY CORPORATION TO AMEND WATER CERTIFICATE OF CONVENIENCE AND NECESSITY NUMBER 10054 IN LIMESTONE COUNTY, TEXAS (APPLICATION NO. 9889-C,HOLCK)

APPROVED, PG/PR

Item 43. APPLICATION OF ESTATES OF BARTON CREEK UTILITIES INC TO AMEND SEWER CERTIFICATE OF CONVENIENCE AND NECESSITY NUMBER 20654 IN TRAVIS COUNTY, TEXAS (APPLICATION NO. 9946-C, POE)

APPROVED, PG/PR

UNCONTESTED (Hearing Examiner's Settled Cases)

Item 44. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF URI, INC. FOR AN AMENDMENT TO PERMIT NO. WDW-250 TO AUTHORIZE THE OPERATION OF A SOLID WASTE DISPOSAL WELL IN DUVAL COUNTY, TEXAS. APPLICANT SEEKS AUTHORIZATION TO DISPOSE OF NONHAZARDOUS MATERIALS AT FACILITIES LOCATED 11 MILES NORTHWEST OF SAN DIEGO IN DUVAL COUNTY, TEXAS. RECOMMENDATION: DISMISSAL WITHOUT PREJUDICE, PER APPLICANT'S REQUEST. (BATEMAN)

ADOPT EXAMINER'S MEMORANDUM AND ISSUE ORDER DISMISSING APPLICATION WITHOUT PREJUDICE, PR/PG

Item 45. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF COLONIA NUEVA WATER DISTRIBUTION SYSTEM, INC. TO REVIEW WHOLESALE WATER RATES SET BY CITY OF DONNA (DOCKET NO. 9891-A). APPLICANT PROVIDES WHOLESALE WATER SERVICE TO ITS CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (BATEMAN)

ADOPT EXAMINER'S MEMORANDUM AND ISSUE ORDER, PR/PG

Item 46. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF BUENA VISTA-BETHEL WSC FOR CONVERSION OF BUENA VISTA-BETHEL WSC AND CREATION OF BUENA VISTA-BETHEL SUD TO PROVIDE WATER SERVICE IN ELLIS COUNTY AND APPROVAL OF TRANSFER OF CCN NO. 10898 FROM BUENA VISTA-BETHEL WSC TO BUENA VISTA-BETHEL SUD. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (BOURBON)

ADOPT EXAMINER'S MEMORANDUM AND ISSUE ORDER, PR/PG

Item 47. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF COMMUNITY UTILITIES, INC. TO INCREASE RETAIL WATER AND SEWER RATES IN HARRIS COUNTY, TEXAS (DOCKET NO. 9584-G). APPLICANT PROVIDES RETAIL WATER AND SEWER SERVICE TO APPROXIMATELY 34 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (ROGAN)

ADOPT EXAMINER'S MEMORANDUM AND ISSUE ORDER, PR/PG

Item 48. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF BERRY CREEK PARTNERS DBA BERRY CREEK UTILITIES FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER AND SEWER SERVICE IN WILLIAMSON COUNTY, TEXAS, ON APPLICATION FOR TRANSFER OF A UTILITY, AND A REQUEST FOR DECERTIFICATION OF A PORTION OF ANOTHER CCN AREA. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (ZUKAUCKAS)

ADOPT EXAMINER'S MEMORANDUM AND ISSUE ORDER, PR/PG

Item 49. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF FOREST POINT MUNICIPAL UTILITY DISTRICT FOR PERMIT NO. 13567-001 TO AUTHORIZE THE DISCHARGE OF 100,000 GPD TREATED DOMESTIC WASTEWATER EFFLUENT IN HARRIS COUNTY, TEXAS, AND SEGMENT NO. 1009 OF THE SAN JACINTO RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (THOMAS)

ADOPT EXAMINER'S MEMORANDUM AND ISSUE ORDER, PR/PG

Item 50. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF LUBBOCK COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 FOR PERMIT NO. 13602-01 TO AUTHORIZE THE DISCHARGE OF NOT TO EXCEED 80,000 GPD OF TREATED DOMESTIC WASTEWATER EFFLUENT IN LUBBOCK COUNTY, TEXAS, AND SEGMENT NO. 1241 OF THE BRAZOS RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (BATEMAN).

ADOPT EXAMINER'S MEMORANDUM AND ISSUE ORDER, PR/PG

Item 51. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF JONES ROAD DEVELOPMENT CORPORATION FOR PERMIT NO. 13623-001 TO AUTHORIZE THE DISCHARGE OF TWO mgd of TREATED DOMESTIC WASTEWATER EFFLUENT IN HARRIS COUNTY, TEXAS AND SEGMENT NO. 1017 OF THE SAN JACINTO RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (THOMAS)

ADOPT EXAMINER'S MEMORANDUM AND ISSUE ORDER, PR/PG

(PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TEXAS WATER COMMISSION AGENDA AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT DOUG KITTS IN THE THE OFFICE OF THE CHIEF CLERK AT (512) 463-7905 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)

UNCONTESTED OLD BUSINESS

Wednesday, June 2, 1993

TEXAS WATER COMMISSION

9:00 a.m.

Room 118

Item carried forward from Agenda of April 28, 1993.

- Item 1. CONSIDERATION TO ENTER INTO CONTRACT WITH THE CITY OF FORT WORTH FOR WORK PERFORMED UNDER A PHASE II RESTORATION PROJECT OF THE CLEAN LAKES PROGRAM; SECTION 314 OF THE CLEAN WATER ACT.

APPROVED, PR/PG

Item carried forward from Agenda of May 12, 1993.

- Item 2. APPLICATION BY HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 119 for renewal of Permit No. 11024-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 700,000 gallons per day. The wastewater treatment plant is approximately 2000 feet south of Spring Cypress Road and 5000 feet east of the intersection of Louetta Road and Spring Cypress Road in Harris County, Texas.

APPROVED, PG/PR

Item carried forward from Agenda of May 12, 1993.

- Item 3. APPLICATION BY MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 24 for renewal of Permit No. 11789-01 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 approximately 2-1/2 miles east of U.S. Highway 59 and 1/2 mile northwest of the point where White Oak Creek leaves Montgomery County in Montgomery County, Texas.

REMANDED TO EXECUTIVE DIRECTOR, PG/PR

Item carried forward from Agenda of May 12, 1993.

- Item 4. APPLICATION BY TEXAS PIPE THREADERS CO. for renewal of Permit No. 02528 which authorizes a discharge of treated process

wastewater and domestic wastewater at a volume not to exceed an average flow of 8,000 gallons per day from a facility which threads steel pipe, and forms couplings from steel castings. The plant site is at 4511 Brittmoore Road in the City of Houston, Harris County, Texas.

APPROVED, PG/PR

Item carried forward from Agenda of May 19, 1993.

Item 5. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF I. M. BURNS DBA CATARINA WATER WORKS TO INCREASE RETAIL WATER RATES IN DIMMIT COUNTY, TEXAS (DOCKET NO. 9878-G). APPLICANT PROVIDES WATER SERVICE TO APPROXIMATELY 52 RESIDENTIAL CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (BOURBON)

APPROVED, PG/PR

HALL
REED
GARNER

CONTESTED AGENDA

Wednesday, June 2, 1993

TEXAS WATER COMMISSION

9:00 a.m.

Room 118

CONTESTED (INTERIM RATES)

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S MOTION REQUESTING THE SETTING OF INTERIM RATES ON THE APPLICATION OF SOUTHWESTERN WATER CORPORATION, DOCKET NO. 9999-R. (Sanchez)

APPROVED, PR/PG

CONTESTED- (EXECUTIVE SESSION)

- Item 2. 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 3. 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

Item 4. COMMISSIONERS WILL MEET IN EXECUTIVE SESSION TO DISCUSS THEIR DUTIES, ROLES, AND RESPONSIBILITIES AS COMMISSIONERS OF THE TEXAS WATER COMMISSION UNDER SECTION 2(g) OF THE OPEN MEETINGS ACT. TEX. REV. CIV. STAT. ANN. Art 6252-17, AND 2(g).

NO ACTION TAKEN

(PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TEXAS WATER COMMISSION AGENDA AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT DOUG KITTS IN THE THE OFFICE OF THE CHIEF CLERK AT (512) 463-7905 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)

CONTESTED OLD BUSINESS

Wednesday, June 2, 1993

TEXAS WATER COMMISSION

9:00 a.m.

Room 118

Item carried forward from Agenda of February 24, 1993.

- Item 1. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION & ORDER CONCERNING THE APPLICATION OF LIVING WATERS ARTESIAN SPRINGS, LTD. FOR PERMIT NO. 03462-01 TO AUTHORIZE THE DISCHARGE OF 55.3 MGD OF TREATED INDUSTRIAL WASTEWATER EFFLUENT IN BEXAR COUNTY, TEXAS AND SEGMENT NO. 1903 OF THE SAN ANTONIO RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (ARENSEN/ROGAN)

REMANDED TO OFFICE OF HEARINGS EXAMINERS WITH INSTRUCTIONS TO EXAMINER, JH/PG, REED VOTED AGAINST REMAND

Item carried forward from Agenda of March 3, 1993.

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF MR. ANDY PICOS, MR. SYED MOHUIDDIN, MR. JACK JONES, CAMTRACO ENTERPRISES, INC., SOUTHEASTERN OIL COMPANY, AND OKEMAH HYDROCARBONS; SW NO. 31896. (Ballard)

APPROVED AS RECOMMENDED BY STAFF, PG/PR

Item carried forward from Agenda of November 4, 1992 and January 6, 1993 and March 10, 1993.

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF PHILLIPS 66 COMPANY, SWEENEY REFINERY AND PETROCHEMICAL COMPLEX, SWR NO. 30048. (Alvarado)

REMANDED TO OFFICE OF HEARINGS EXAMINERS, ALL COMMISSIONERS IN AGREEMENT

Item carried forward from Agenda of April 28, 1993.

- Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR A TEXAS WATER COMMISSION ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN

ACTIONS OF SARTOMER COMPANY, INC.; SWR. NO 37739 (LIGARDE)

APPROVED AGREED ORDER, PR/PG

Item carried forward from Agenda of May 26, 1993.

Item 5. CONSIDERATION OF A REQUEST BY THE EXECUTIVE DIRECTOR TO ADOPT PROPOSED AMENDMENTS TO 31 TEXAS ADMINISTRATIVE CODE CHAPTER 293 RELATING TO WATER DISTRICTS AS PUBLISHED IN THE MARCH 26TH AND MARCH 30TH, 1993, ISSUES OF THE TEXAS REGISTER.
(Jones/Montelongo)

APPROVED AS RECOMMENDED BY STAFF WITH PROVISION THAT AN ITEM WILL BE PLACED ON THE AUGUST 25, 1993 AGENDA REGARDING THE TECHNICAL CHANGES TO THE RULES, PG/PR

CONTESTED OLD BUSINESS

Wednesday, June 2, 1993

TEXAS WATER COMMISSION

1:00 p.m.

Room 118

Item carried forward from Agenda of February 17, 1993 and March 10, 1993.

- Item 1. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE APPLICATION OF EXCOR INDUSTRIES, INC. FOR PERMIT NO. 03328 AND RADIOACTIVE MATERIALS LICENSE L04336 TO AUTHORIZE THE OPERATION OF A STORAGE/EVAPORATION POND AND RADIOACTIVE BY-PRODUCT MATERIAL DISPOSAL FACILITY IN KINNEY COUNTY, TEXAS. RECOMMENDATION: DENIAL OF LICENSE. (HARDIN)

CONTINUED TO JUNE 30, 1993 AT 9:00 A.M.