

(Utility Name)

SECTION 3.0 -- EXTENSION POLICY (Continued)

Section 3.02 - Costs Utilities and Service Applicants Shall Bear

Within its certified area, the utility will pay the cost of the first 200 feet of any water main or distribution line necessary to extend service to an individual residential customer within a platted subdivision.

However, if the residential customer requesting service purchased the property after the developer was notified in writing of the need to provide facilities to the utility, the utility may charge for the first 200 feet. The utility must also be able to document that the developer of the subdivision refused to provide facilities compatible with the utility's facilities in accordance with the utility's approved extension policy after receiving a written request from the utility.

Residential customers will be charged the equivalent of the costs of extending service to their property from the nearest collection line even if that line does not have adequate capacity to serve the customer. However, if the customer places unique, non-standard service demands upon the system, the customer may be charged the additional cost of extending service to and throughout their property, including the cost of all necessary transmission and storage facilities necessary to meet the service demands anticipated to be created by that property.

Unless an exception is granted by the TCEQ's Executive Director, the residential service applicant shall not be required to pay for costs of main extensions greater than 6" in diameter for gravity wastewater lines.

Exceptions may be granted by the TCEQ Executive Director if

- adequate service cannot be provided to the applicant using the maximum line sizes listed due to distance or elevation, in which case, it shall be the utility's burden to justify that a larger diameter pipe is required for adequate service;
- or larger minimum line sizes are required under subdivision platting requirements or building codes of municipalities within whose corporate limits or extraterritorial jurisdiction the point of use is located; or the residential service applicant is located outside the CCN service area.

If an exception is granted, the Utility shall establish a proportional cost plan for the specific extension or a rebate plan which may be limited to seven years to return the portion of the applicant's costs for oversizing as new customers are added to ensure that future applicants for service on the line pay at least as much as the initial service applicant.

(Utility Name)

SECTION 3.0 -- EXTENSION POLICY (Continued)

For purposes of determining the costs that service applicants shall pay, commercial customers with service demands greater than residential customer demands in the certified area, industrial, and wholesale customers shall be treated as developers.

If an applicant requires service other than the standard service provided by the utility, such applicant will be required to pay all expenses incurred by the utility in excess of the expenses that would be incurred in providing the standard service and connection beyond 200 feet and throughout his property including the cost of all necessary transmission facilities.

The utility will bear the full cost of any over-sizing of sewer mains necessary to serve other customers in the immediate area. The individual residential customer shall not be charged for any additional treatment facilities. Contributions in aid of construction of individual residential customers for production, storage, treatment or transmission facilities unless otherwise approved by the Commission under this specific extension policy.

Section 3.03 - Contributions in Aid of Construction

Developers may be required to provide contributions in aid of construction in amounts sufficient to furnish the development with all facilities necessary to provide for reasonable local demand requirements and to comply with Texas Commission on Environmental Quality minimum design criteria for facilities used in the production, collection, transmission, pumping, or treatment of sewage or Texas Commission on Environmental Quality minimum requirements. For purposes of this subsection, a developer is one who subdivides or requests more than two meters on a piece of property. Commercial, industrial, and wholesale customers will be treated as developers.

Any applicant who places unique or non-standard service demands on the system may be required to provide contributions in aid of construction for the actual costs of any additional facilities required to maintain compliance with the Texas Commission on Environmental Quality minimum design criteria for water production, treatment, pumping, storage and transmission.

Any service extension to a subdivision (recorded or unrecorded) may be subject to the provisions and restrictions of 30 TAC 291.86(d). When a developer wishes to extend the system to prepare to service multiple new connections, the charge shall be the cost of such extension, plus a pro-rata charge for facilities which must be committed to such extension compliant with the Texas Commission on Environmental Quality minimum design criteria. As provided by 30 T.A.C. 291.85(e)(3), for purposes of this section, commercial, industrial, and wholesale customers shall be treated as developers.

(Utility Name)

SECTION 3.0 -- EXTENSION POLICY (Continued)

A utility may only charge a developer standby fees for unrecovered costs of facilities committed to a developer's property under the following circumstances:

- Under a contract and only in accordance with the terms of the contract; or
- if service is not being provided to a lot or lots within two years after installation of facilities necessary to provide service to the lots has been completed and if the standby fees are included on the utilities approved tariff after a rate change application has been filed. The fees cannot be billed to the developer or collected until the standby fees have been approved by the commission or executive director.
- for purposes of this section, a manufactured housing rental community can only be charged standby fees under a contract or if the utility installs the facilities necessary to provide individually metered service to each of the rental lots or spaces in the community.

Section 3.04 - Appealing Connection Costs

The imposition of additional extension costs or charges as provided by Sections 3.0 - Extension Policy of this tariff shall be subject to appeal as provided in this tariff, TCEQ rules, or the rules of such other regulatory authority as may have jurisdiction over the utility's rates and services. Any applicant required to pay for any costs not specifically set forth in the rate schedule pages of this tariff shall be given a written explanation of such costs prior to payment and/or commencement of construction. If the applicant does not believe that these costs are reasonable or necessary, the applicant shall be informed of the right to appeal such costs to the TCEQ or such other regulatory authority having jurisdiction over the utility's rates in that portion of the utility's service area in which the applicant's property(ies) is located.

Section 3.05 - Applying for Service

The Utility will provide a written service application form to the applicant for each request for service received by the Utility's business offices. A separate application shall be required for each potential service location if more than one service connection is desired by any individual applicant. Service application forms will be available at the Utility's business office during normal weekday business hours. Service applications will be sent by prepaid first class United States mail to the address provided by the applicant upon request. Completed applications should be returned by hand delivery in case there are questions which might delay fulfilling the service request. Completed service applications may be submitted by mail if hand delivery is not possible.

(Utility Name)

SECTION 3.0 -- EXTENSION POLICY (Continued)

Where a new tap or service connection is required, the service applicant shall be required to submit a written service application and request that a tap be made. A diagram, map, plat, or written metes and bounds description of precisely where the applicant desires each tap or service connection is to be made and, if necessary, where the meter is to be installed, along the applicant's property line may also be required with the tap request. The actual point of connection and meter installation must be readily accessible to Utility personnel for inspection, servicing, and meter reading while being reasonably secure from damage by vehicles and mowers. If the Utility has more than one main adjacent to the service applicant's property, the tap or service connection will be made to the Utility's nearest service main with adequate capacity to service the applicant's full potential service demand. Beyond the initial 200 feet, the customer shall bear only the equivalent cost of extending from the nearest main. If the tap or service connection cannot be made at the applicant's desired location, it will be made at another location mutually acceptable to the applicant and the Utility. If no agreement on location can be made, the applicant may refer the matter to the TCEQ for resolution.

Section 3.06 - Qualified Service Applicant

A "qualified service applicant" is an applicant who has: (1) met all of the Utility's requirements for service contained in this tariff, TCEQ rules and/or TCEQ order, (2) has made payment or made arrangement for payment of tap fees, (3) has provided all easements and rights-of-way required to provide service to the requested location, (4) delivered an executed customer service inspection certificate to the Utility, if applicable, and (5) has executed a customer service application for each location to which service is being requested.

The Utility shall serve each qualified service applicant within its certified service area as soon as practical after receiving a completed service application. All service requests will be fulfilled within the time limits prescribed by TCEQ rules once the applicant has met all conditions precedent to achieving "qualified service applicant" status. If a service request cannot be fulfilled within the required period, the applicant shall be notified in writing of the delay, its cause and the anticipated date that service will be available. The TCEQ service dates shall not become applicable until the service applicant has met all conditions precedent to becoming a qualified service applicant as defined by TCEQ rules.

Section 3.07 - Developer Requirements

As a condition of service to a new subdivision, the Utility shall require a developer (as defined by TCEQ rule) to provide permanent recorded public utility easements as a condition of service to any location within the developer's property.

APPENDIX A -- SAMPLE SERVICE AGREEMENT

From 30 TAC Chapter 290.47(b), Appendix B

SERVICE AGREEMENT

- I. **PURPOSE.** The NAME OF SEWER SYSTEM is responsible for protecting the drinking water supply from contamination or pollution which could result from improper private water distribution system construction or configuration. The purpose of this service agreement is to notify each customer of the restrictions which are in place to provide this protection. The utility enforces these restrictions to ensure the public health and welfare. Each customer must sign this agreement before the NAME OF SEWER SYSTEM will begin service. In addition, when service to an existing connection has been suspended or terminated, the sewer system will not re-establish service unless it has a signed copy of this agreement.

- II. **RESTRICTIONS.** The following unacceptable practices are prohibited by State regulations.
 - A. No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the public water system by an air-gap or an appropriate backflow prevention device.
 - B. No cross-connection between the public drinking water supply and a private water system is permitted. These potential threats to the public drinking water supply shall be eliminated at the service connection by the installation of an air-gap or a reduced pressure-zone backflow prevention device.
 - C. No connection which allows water to be returned to the public drinking water supply is permitted.
 - D. No pipe or pipe fitting which contains more than 8.0% lead may be used for the installation or repair of plumbing at any connection which provides water for human use.
 - E. No solder or flux which contains more than 0.2% lead can be used for the installation or repair of plumbing at any connection which provides water for human use.

III. SERVICE AGREEMENT. The following are the terms of the service agreement between the NAME OF SEWER SYSTEM (the Sewer System) and NAME OF CUSTOMER (the Customer).

- A. The Sewer System will maintain a copy of this agreement as long as the Customer and/or the premises are connected to the Sewer System.
- B. The Customer shall allow his property to be inspected for possible cross-connections and other potential contamination hazards. These inspections shall be conducted by the Sewer System or its designated agent prior to initiating new water service; when there is reason to believe that cross-connections or other potential contamination hazards exist; or after any major changes to the private water distribution facilities. The inspections shall be conducted during the Sewer System's normal business hours.
- C. The Sewer System shall notify the Customer in writing of any cross-connection or other potential contamination hazard which has been identified during the initial inspection or the periodic reinspection.
- D. The Customer shall immediately remove or adequately isolate any potential cross-connections or other potential contamination hazards on his premises.
- E. The Customer shall, at his expense, properly install, test, and maintain any backflow prevention device required by the Sewer System. Copies of all testing and maintenance records shall be provided to the Sewer System.

IV. ENFORCEMENT. If the Customer fails to comply with the terms of the Service Agreement, the Sewer System shall, at its option, either terminate service or properly install, test, and maintain an appropriate backflow prevention device at the service connection. Any expenses associated with the enforcement of this agreement shall be billed to the Customer.

CUSTOMER'S SIGNATURE

DATE



Exhibit K

TCEQ Inspection Report for D&K Development Corp., dated
09/10/2012 and related correspondence



Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 12, 2012

Mr. Dewey Dusty Drury, Owner
D&K Development Corp.
P.O. Box 172081
Arlington, Texas 76003-2081

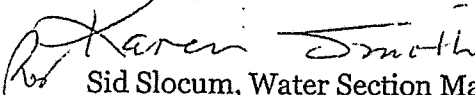
Re: Notice of Compliance with Notice of Violation (NOV) dated April 25, 2012
D&K Development Corp. – Mayfair Addition WWTP, 2700 Highway 1187 in Crowley
(Tarrant County), Texas
RN102287109; WQ0013518-001, TX0105872, Investigation #993920

Dear Mr. Drury:

This letter is to inform you that Texas Commission on Environmental Quality (TCEQ) Dallas/Fort Worth Region Office received adequate compliance documentation on September 13, 2012 to resolve the two alleged violations documented during the investigation of the above-referenced regulated entity on March 8, 2012. Based on the information submitted, no further action is required concerning this investigation.

The Texas Commission on Environmental Quality appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions, please feel free to contact Mr. Eric Agnew in the Dallas/Fort Worth Region Office at (817) 588-5839.

Sincerely,


Sid Slocum, Water Section Manager
Dallas/Fort Worth Region Office

SS/ea

cc: Mr. David Bowman, Bowman H2O, 801 S. Files St.; Itasca, TX 76055-3100

Enclosure: Investigation Report #1036969

COPY

** Revised*

DISCHARGE MONITORING REPORT (DMR)

PERMITTEE NAME/ADDRESS (include Facility Name/Location if Different)
 NAME: D&K DEVELOPMENT CORP.
 ADDRESS: 801 SOUTH FILES STREET
 ITASCA, TX 76055
 FACILITY: MAYFAIR WWTP
 LOCATION: 2700 HIGHWAY 1187
 BENBROOK, TX 76126
 ATTN: DUSTY DRURY, OWNER

TX0105872
 PERMIT NUMBER

001-A
 DISCHARGE NUMBER

MONITORING PERIOD

MM/DD/YYYY TO MM/DD/YYYY
 05/01/2011 TO 05/31/2011

DMR Mailing ZIP CODE: 76055

MINOR (SUBR 04)
 DOMESTIC FACILITY - 001
 External Outfall

No Discharge

PARAMETER	QUANTITY OR LOADING		QUALITY OR CONCENTRATION				NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
	VALUE	UNITS	VALUE	UNITS	VALUE	UNITS			
Oxygen, dissolved (DO)	SAMPLE MEASUREMENT	.....	.....	.....	.....	.....	.....	.....	.....
	PERMIT REQUIREMENT	.....	.....	5.0	MO MIN	.....	.....	ms/L	Weekly
pH	SAMPLE MEASUREMENT	.....	.....	.....	.....	.....	.....	.....	Weekly
	PERMIT REQUIREMENT	.....	.....	7.2	MINIMUM	.....	.....	SU	Monthly
Solids, total suspended	SAMPLE MEASUREMENT	.....	.....	.....	.....	.....	.....	.....	Weekly
	PERMIT REQUIREMENT	.....	.....	.....	.....	.....	.....	.....	Weekly
00530 10 Effluent Gross	SAMPLE MEASUREMENT	.....	.....	.....	.....	.....	.....	.....	Weekly
	PERMIT REQUIREMENT	.....	.....	.....	.....	.....	.....	.....	Weekly
Nitrogen, ammonia total (as N)	SAMPLE MEASUREMENT	.....	.....	.....	.....	.....	.....	.....	Weekly
	PERMIT REQUIREMENT	.....	.....	.....	.....	.....	.....	.....	Weekly
00610 10 Effluent Gross	SAMPLE MEASUREMENT	.....	.....	.....	.....	.....	.....	.....	Weekly
	PERMIT REQUIREMENT	.....	.....	.....	.....	.....	.....	.....	Weekly
Flow, in conduit or thru treatment plant	SAMPLE MEASUREMENT	.....	.....	.....	.....	.....	.....	.....	Weekly
	PERMIT REQUIREMENT	.....	.....	.....	.....	.....	.....	.....	Weekly
50050 10 Effluent Gross	SAMPLE MEASUREMENT	.....	.....	.....	.....	.....	.....	.....	Weekly
	PERMIT REQUIREMENT	.....	.....	.....	.....	.....	.....	.....	Weekly
Chlorine, total residual	SAMPLE MEASUREMENT	.....	.....	.....	.....	.....	.....	.....	Weekly
	PERMIT REQUIREMENT	.....	.....	.....	.....	.....	.....	.....	Weekly
50060 10 Effluent Gross	SAMPLE MEASUREMENT	.....	.....	.....	.....	.....	.....	.....	Weekly
	PERMIT REQUIREMENT	.....	.....	.....	.....	.....	.....	.....	Weekly
BOD, carbonaceous, 05 day, 20 C	SAMPLE MEASUREMENT	.....	.....	.....	.....	.....	.....	.....	Weekly
	PERMIT REQUIREMENT	.....	.....	.....	.....	.....	.....	.....	Weekly
80082 10 Effluent Gross	SAMPLE MEASUREMENT	.....	.....	.....	.....	.....	.....	.....	Weekly
	PERMIT REQUIREMENT	.....	.....	.....	.....	.....	.....	.....	Weekly

** Revised David Bowman*

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER
 Gilbert Shelton
 TYPED OR PRINTED

SIGNATURE OF PRINCIPAL EXECUTIVE AUTHORIZED AGENT
David Bowman

TELEPHONE NUMBER
 254 487 2642

DATE
 09/10/12

COMMENTS AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

09/10/12 Comments: darkened all decimal points

SEP 13 2012

DFW REGION 4

COPY

BOWMAN Environmental Enterprises L.L.C.

801 S. FILES STREET
ITASCA, TEXAS 76055

September 10, 2012

Karen Smith
Sid Slocum
Water Section Manager
DFW Region
Texas Commission on Environmental Quality

Re: D & K Mayfair WWTP,
2700 Highway 1187 in Crowley (Tarrant County), Texas
Regulated Entity No.: RN102287109
TCEQ ID No.: WQ0013518-001
TX0105872
Investigation: #993920

In response to alleged violation investigation # 993920, of failure to comply with the permit effluent limitations for total chlorine residual during the investigation:
The chlorine residual reading was caused by the changing over to a new barrel of bleach. Every time a new barrel is put in use, the chlorine metering pump has to be adjusted. The weather conditions as to whether it is cloudy or clean has a lot to do with the chlorine residual. Adjustment of the metering pump while taking into account the weather and the bleach in the new barrel will help to keep the residual in compliance.

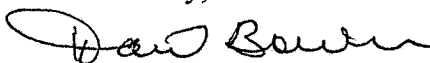
In response to alleged violation investigation # 993920, of failure to accurately report data on DMRs for May 2011, it was noted that the maximum TSS single grab was reported as 0.17 mg/L while the daily average was reported as 9.4mg/L.

Corrective action taken:

Made a copy of DMR for 05/01/2011 TO 05/31/2011 and darkened all the decimal points. The reported numbers for TSS are daily average of 9.4 and the single grab is 17 mg/L

I have enclosed a copy of the DMR for D & K Development Corp. WWTP for May 2011 as revised with new signatures.

Sincerely,



David Bowman

RECEIVED

SEP 13 2012

DFW REGION-4

Alleged Violation:

Investigation: 993920

Comment Date: 04/18/2012

Failure to accurately report data on DMRs. During the investigation errors between the operator's daily log and values reported on the applicable monthly DMRs were noted. Specifically, the total chlorine residual (TCR) for March 2011 was reported as 4.5 mg/L although it was actually documented in the operator's log as 4.2 mg/L; and during July 2011, the TCR was reported as 0.015 mg/L although the monthly TCR minimum was documented as 1.0 mg/L in the operator's log. Adequate corrections to the applicable DMRs were received in the Region Office on March 26, 2012. However, during the report writing process, it was noted that during May 2011, the maximum TSS single grab was reported as 0.17 mg/L while the daily average was reported as 9.4 mg/L. A correction to one or both of these values is needed.

Investigation: 1015958

Comment Date: 07/20/2012

Failure to accurately report data on DMRs.

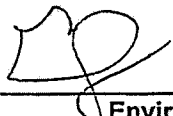
Investigation: 1036969

Comment Date: 10/09/2012

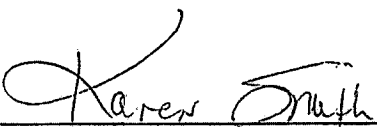
Failure to accurately report data on DMRs.

Recommended Corrective Action: Although additional DMRs were submitted along with the NOV response for review, the corrected DMR for May 2011 as described in the original CCI violation was not corrected and presented. Submit the corrected DMR to the Compliance Monitoring Team as well as to the Region 4 Office for review and resolution.

Resolution: NOV response documentation included a May 2011 DMR that had been darkened to clearly show decimal places as well as an added "0" following a non-decimal value (to read "17.0" instead of what was entered into ICIS as ".17").

Signed  Environmental Investigator

Date 10/09/2012

Signed  Supervisor

Date 10/10/2012

Attachments: (in order of final report submittal)

- Enforcement Action Request (EAR)
- Letter to Facility (specify type) : Final
- Investigation Report
- Sample Analysis Results
- Manifests
- NOR

- Maps, Plans, Sketches
- Photographs
- Correspondence from the facility
- Other (specify) :

GENERAL FACILITY AND PROCESS INFORMATION

See Incident #167225 conducted March 8, 2012 and Investigation ##993920 conducted April 17, 2012.

BACKGROUND

The first NOV file record review was conducted August 29, 2012 which resolved four of the six outstanding violations. This NOV FRR will resolve both of the two remaining violations.

ADDITIONAL INFORMATION

In the response to one of the violations, Mr. David Bowman, Bowman Environmental Enterprises, LLC, the contract operations company at the D&K Development WWTP, stated that the DMR errors were apparently due to the decimal points in the reported values not being dark enough. Mr. Bowman darkened each decimal point to show correct and complaint results.

Y For the other outstanding violation regarding an excessively high (>5.0 mg/L) total chlorine residual reading taken during the investigation, Mr. Bowman stated that a new chlorine barrel had just been connected. This, in conjunction with cloudy weather at the time, contributed to the high reading. These factors will be taken in to consideration during the next time the barrel is changed.

ALLEGED VIOLATION(S) NOTED AND RESOLVED

Track No: 464647 Resolution Status Date: 10/9/2012
Violation Start Date: 3/8/2012 Violation End Date: 9/13/2012

30 TAC Chapter 305.125(1)

PERMIT , WQ0013518-001

Effluent Limitations and Monitoring Requirements, Page 2, Item 2

Alleged Violation:

Investigation: 993920 Comment Date: 04/18/2012

Failure to comply with the permit effluent limitations for total chlorine residual during the investigation. A TCR greater than 5.0 mg/L was present during the investigation.

Investigation: 1015958 Comment Date: 08/29/2012

Failure to comply with the total chlorine residual limitation during the investigation.

Investigation: 1036969 Comment Date: 10/09/2012

Failure to comply with the total chlorine residual maximum limitation during the investigation.

Recommended Corrective Action: No response has been received to date for this item. Submit documentation of reason for a TCR of this magnitude as well as documentation of actions taken to ensure this problem does not recur.

Resolution: Documentation submitted by the permittee included a statement that the problem occurred when a new chlorine barrel was put into service along with cloudy weather conditions at the time of the investigation is thought to have led to the high reading. These factors will be taken in to consideration during the next changing of the chlorine barrel.

Track No: 464654 Resolution Status Date: 10/9/2012
Violation Start Date: 3/1/2011 Violation End Date: 7/31/2011

30 TAC Chapter 319.7(e)

PERMIT , WQ0013518-001

Monitoring and Reporting Requirements, Page 4, Item 2
Monitoring and Reporting Requirements, Page 5 or 6, Item 7.d.

Texas Commission on Environmental Quality
Investigation Report
D & K Development Corp.
CN600677470

MAYFAIR ADDITION

RN102287109

Investigation # 1036969
 Investigator: ERIC AGNEW

Incident #
Site Classification
 DOMESTIC MINOR

Conducted: 10/09/2012 -- 10/09/2012

SIC Code: 4952
 NAIC Code: 221320

Program(s): WASTEWATER

COPY

Investigation Type : Compliance Invest File Review

Location : LOCATED ON THE SW CORNER
 OF THE INTERSECTION OF FM RD 1187 AND
 PERSHON RD TARRANT COUNTY

Additional ID(s) : WQ0013518001
 TX0105872

Address: ; ,

Activity Type : REGION 04 - DFW METROPLEX
 WWFRR - WW NOV File Record Review

Principal(s) :

Role	Name
RESPONDENT	D & K DEVELOPMENT CORP

Contact(s) :

Role	Title	Name	Phone
Regulated Entity Contact		MR BILL BOOMER	Work (817) 994-1528
Regulated Entity Mail Contact	PRESIDENT	MR DEWEY D DRURY	Other (817) 360-5540 Work (817) 551-0540 x. 1017
			Cell (817) 475-3186

Other Staff Member(s) :

Role	Name
Supervisor	KAREN SMITH

Associated Check List

<u>Checklist Name</u>	<u>Unit Name</u>
WQ FILE/RECORD REVIEW	NOV FRR

Investigation Comments :

INTRODUCTION

This file record review of the D&K Development Mayfair Addition Wastewater Treatment Plant was conducted by TCEQ Environmental Investigator Eric Agnew to review the status of two outstanding alleged violations noted during complaint investigations on December 20, 2011 and April 16, 2012 and a Comprehensive Compliance Investigation (CCI) on March 8, 2012. Based on the findings of this investigation, a Final Letter was issued to facilitate compliance.

BOWMAN Environmental Enterprises L.L.C.

801 S. FILES STREET
ITASCA, TEXAS 76055

September 10, 2012

Karen Smith
Sid Slocum
Water Section Manager
DFW Region
Texas Commission on Environmental Quality

Re: D & K Mayfair WWTP,
2700 Highway 1187 in Crowley (Tarrant County), Texas
Regulated Entity No.: RN102287109
TCEQ ID No.: WQ0013518-001
TX0105872
Investigation: #993920

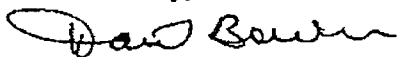
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In response to alleged violation investigation # 993920, of failure to accurately report data on DMRs for May 2011, it was noted that the maximum TSS single grab was reported as 0.17 mg/L while the daily average was reported as 9.4mg/L.

Corrective action taken:
Made a copy of DMR for 05/01/2011 TO 05/31/2011 and darkened all the decimal points. The reported numbers for TSS are daily average of 9.4 and the single grab is 17 mg/L

I have enclosed a copy of the DMR for D & K Development Corp. WWTP for May 2011 as revised with new signatures.

Sincerely,



David Bowman

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

PERMITTEE NAME/ADDRESS (Include Facility Name & Location if Different)

NAME: D&K DEVELOPMENT CORP
ADDRESS: 801 SOUTH FILES STREET
ITASCA, TX 76055

FACILITY: MAYFAIR WWTP
LOCATION: 2700 HIGHWAY 1187
BENBROOK, TX 76126

ATTN: DUSTY DRURY, OWNER

TX0105872
PERMIT NUMBER

001-A
DISCHARGE NUMBER

MONITORING PERIOD
MM/DD/YYYY TO MM/DD/YYYY
05/01/2011 TO 05/31/2011

DMR Mailing ZIP CODE: 76065
MINOR (SUBR 04)
DOMESTIC FACILITY - 001
External Outfall

No Discharge

**Revised*

PARAMETER	QUANTITY OR LOADING		QUALITY OR CONCENTRATION				NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
	VALUE	UNITS	VALUE	UNITS	VALUE	UNITS			
Oxygen, dissolved (DO)									
00300 1 0 Effluent Gross			5.0					Wkly	Grab
pH								Weekly	GRAB
00400 1 0 Effluent Gross			7.2		7.6			Wkly	Grab
Solids, total suspended								Monthly	GRAB
00500 1 0 Effluent Gross					17.0			Wkly	Grab
Nitrogen, ammonia total (as N)								Weekly	GRAB
00610 1 0 Effluent Gross					0.32			Wkly	Grab
Flow, in conduit or thru treatment plant								5 x Wk	Inst
50050 1 0 Effluent Gross								Five Per Week	INSTAN
Chlorine, total residual								5 x Wk	Grab
50060 1 0 Effluent Gross			1.0		3.5			Five Per Week	GRAB
BOD, carbonaceous, 05 day, 20 C								Wk	Grab
80082 1 0 Effluent Gross					10.0			Weekly	GRAB

**Revised David Bowman*

David Bowman

09/10/12

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER <i>Albert Shelton</i>	TELEPHONE 254 687-2642	DATE 9/20/11
TYPED OR PRINTED	AREA CODE NUMBER	MM/DD/YYYY
SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT <i>Albert Shelton</i>		

COMMENTS AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

09/10/12 Comments: darkened all decimal points

Bryan W. Shaw, Ph.D., *Chairman*
Carlos-Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 4, 2012

SIGNATURE CONFIRMATION 91 3408 2133 3932 0201 6774

Mr. Dewey Dusty Drury, Owner
D&K Development Corp.
P.O. Box 172081
Arlington, Texas 76003-2081

Re: Additional Compliance Documentation Needed for:
D&K Development Corp. – Mayfair Addition WWTP, 2700 Highway 1187 in
Crowley (Tarrant County), Texas
RN102287109; WQ0013518-001, TX0105872, Investigation #993920

Dear Mr. Drury:

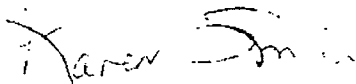
The Texas Commission on Environmental Quality (TCEQ) DFW Region Office has received the compliance documentation that you submitted May 24, 2012 for the alleged violations noted during the investigation of the above-referenced facility conducted on March 8, 2012. The compliance documentation contained in your response appears to indicate that the majority of the problems documented during the investigation have been corrected. However, information is still needed for the alleged violations listed in the enclosed summary. Please submit to our office by **September 18, 2012** a written description of corrective action taken and the required compliance documentation demonstrating that these remaining alleged violations have been resolved.

The Texas Commission on Environmental Quality appreciates your assistance in this matter and your compliance efforts to protect the State's environment. We look forward to receiving your response for the remaining alleged violations. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements.

If you or members of your staff have any questions, please feel free to contact Mr. Eric Agnew in the DFW Region Office at (817) 588-5839.

Mr. Drury, D&K Development
September 4, 2012
Page 2

Sincerely,



Sid Slocum
Water Section Manager
DFW Region

SS/ea

cc: Mr. David Bowman, Bowman H2O, 801 S. Files St.; Itasca, TX 76055-3100

Enclosure: Summary of Unresolved Investigation Findings

MAYFAIR ADDITION

Investigation # 1015958

Investigation Date: 07/12/2012

TARRANT COUNTY,

Additional ID(s): WQ0013518001
TX0105872

Track No: 464647 Compliance Due Date: 09/18/2012

30 TAC Chapter 305.125(1)

PERMIT WQ0013518-001

Effluent Limitations and Monitoring Requirements, Page 2, Item 2

Alleged Violation:

Investigation: 993920

Comment Date: 04/18/2012

Failure to comply with the permit effluent limitations for total chlorine residual during the investigation. A TCR greater than 5.0 mg/L was present during the investigation.

Investigation: 1015958

Comment Date: 08/29/2012

Failure to comply with the total chlorine residual limitation during the investigation.

Recommended Corrective Action: No response has been received to date for this item. Submit documentation of reason for a TCR of this magnitude as well as documentation of actions taken to ensure this problem does not recur.

Track No: 464654 Compliance Due Date: 09/18/2012

30 TAC Chapter 319.7(e)

PERMIT WQ0013518-001

Monitoring and Reporting Requirements, Page 4, Item 2

Monitoring and Reporting Requirements, Page 5 or 6, Item 7.d.

Alleged Violation:

Investigation: 993920

Comment Date: 04/18/2012

Failure to accurately report data on DMRs. During the investigation errors between the operator's daily log and values reported on the applicable monthly DMRs were noted. Specifically, the total chlorine residual (TCR) for March 2011 was reported as 4.5 mg/L although it was actually documented in the operator's log as 4.2 mg/L, and during July 2011, the TCR was reported as 0.015 mg/L although the monthly TCR minimum was documented as 1.0 mg/L in the operator's log. Adequate corrections to the applicable DMRs were received in the Region Office on March 26, 2012. However, during the report writing process, it was noted that during May 2011, the maximum TSS single grab was reported as 0.17 mg/L while the daily average was reported as 9.4 mg/L. A correction to one or both of these values is needed.

Investigation: 1015958

Comment Date: 07/20/2012

Failure to accurately report data on DMRs.

Recommended Corrective Action: Although additional DMRs were submitted along with the NOV response for review, the corrected DMR for May 2011 as described in the original CCI violation was not corrected and presented. Submit the corrected DMR to the Compliance Monitoring Team as well as to the Region 4 Office for review and resolution.

Track No: 454573

30 TAC Chapter 305.125(5)

PERMIT WQ0013518001, Permit WQ0013518-001

Other Requirements, Page 9, Item 1

Alleged Violation:

Investigation: 976492

Comment Date: 12/29/2011

Failure to ensure lift stations meet TCEQ design requirements. During the investigation, it was noted that adequate alarms were not present for the lift station. This includes an audible alarm as well as a working telemetry system. Additionally, the lift station was not secured when the investigators arrived although no operators were on site.

Investigation: 993920

Comment Date: 04/20/2012

Failure to ensure lift stations meet TCEQ design criteria. Although documentation was submitted January 12, 2012 stating the alarms and auto dialer had been repaired, the same problems were noted during this investigation. A subsequent email from Mr. Boomer on April 1, 2012 stated the alarms at the lift station (LS) and at the plant (WWTP) as well as the phone lines at the LS and at the WWTP had been repaired ~~was~~ sufficient until the LS transformer blew out on April 15, 2012 causing the alarms and phone line at the LS to no longer be functional.

Investigation: 1015958

Comment Date: 07/20/2012

Failure to ensure lift stations meet TCEQ design criteria.

Recommended Corrective Action: Submit documentation showing what repairs were made, at what times, and by whom in order to repair the lift station audible and visual alarms as well as the telemetry system.

Resolution: The response received to this violation included details that a surge occurred involving the transformer serving the lift station which subsequently burned out the lift station auto-dialer. The equipment has since been repaired. For the portion of the violation regarding the unsecured lift station, the facility representative stated the contract operator indicated work was ongoing and therefore moving between the WWTP and collection system. Upon arrival, no Bowman H2O truck was present at the WWTP or between the WWTP and lift station. However, since it was noted that there is a requirement to keep the lift station secured at all times when no one is on site, this violation has been resolved.

Track No: 454574

30 TAC Chapter 305.125(9)

Alleged Violation:

Investigation: 976492

Comment Date: 12/29/2011

Failure to comply with the unauthorized discharge reporting requirements. No notice of an unauthorized discharge was received in the TCEQ Region 4 Office prior to requesting the report. Additionally, once received, the report was not submitted as soon as possible or at least within 24 hours of becoming aware of the event. The submitted report contained no volume estimate.

Investigation: 1015958

Comment Date: 07/03/2012

Failure to comply with the unauthorized discharge reporting requirements.

Recommended Corrective Action: Submit a standard operating procedure for ensuring unauthorized discharge reports are submitted as soon as possible and at least within 24 hours of becoming aware of an unauthorized discharge. Additionally, submit a revised UD report for the event that also provides the estimated volume discharged.

Resolution: A standard operating procedure was submitted July 12, 2012 following no response to the violation stemming from the December 20, 2012 complaint investigation. A modification was requested to move "Notify TCEQ Regional Office by phone" from number 9 of the list to number 2 or 3. A revised plan was received July 16, 2012 showing that item had been moved to item 3.

Track No: 454577

30 TAC Chapter 30.350(n)

Alleged Violation:

Investigation: 976492

Comment Date: 12/29/2011

Failure to inspect the collection system daily as required. During the investigation, Mr. Bowman stated the WWTP operator only inspects the off-site lift station twice per month. It is possible that daily inspections would have noticed the lift station blockage and therefore have prevented the discharge from the lift station.

Investigation: 993920

Comment Date: 04/18/2012

Failure to inspect the collection system daily as required. Although a daily checklist was presented to the investigator during the investigation, the check list was not actually being completed on a daily basis.

Investigation: 1015958

Comment Date: 07/20/2012

Failure to inspect the lift station on a daily basis as required.

Recommended Corrective Action: Submit completed collection system daily checklists beginning March 8, 2012 through April 25, 2012

Resolution: Daily logs for the period of March 8 through May 18, 2012 were received in the Region Office. Of note, although Mr. Camarena consistently noted during March that one of the LS pumps was not working, without explanation, starting in April, Mr. Bowen documented that everything was in working order. Accurate completion of the daily check lists will be evaluated during the next CCI.

Track No: 464646

30 TAC Chapter 305.125(1)

Alleged Violation:

Investigation: 993920

Comment Date: 04/20/2012

Failure to comply with the self-monitoring permit limitations. Since compliance with self-reported effluent permit limitations was last demonstrated during January 2011, additional violations of effluent permit limitations have occurred. These included a total chlorine residual maximum violation during March 2011 with a reported value of 4.5 mg/L (actually a 4.2 mg/L max TCR verified during the investigation - a 4.0 limit); a CBOD violation during November 2011 with a reported daily average value of 11.5 mg/L (10 mg/L limit); and TSS violations during October and November 2011 with reported daily average values of 16.5 and 16.75 mg/L, respectively (a 15 mg/L limit).

Investigation: 1015958

Comment Date: 07/20/2012

Failure to comply with self monitoring limitations.

Recommended Corrective Action: Submit evidence that effluent limitations since November 2011 all meet permit limitations. Self-reported effluent violations may be subject to enforcement, including penalties, upon review by the Enforcement Division.

Resolution: Documentation was received stating values outside permit limits were due to a logic controller malfunction which has since been replaced.

D & K Development Corp.

P. O. Box 172081
Arlington, Texas 76003
817-294-6027

May 20, 2012

Sid Slocum, Water Section Manager
Dallas/Fort Worth Region Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

Re: Notice of Violation for the Comprehensive Compliance Investigation at:
D & K Development Corp. – Mayfair Addition WWTP
2700 Highway 1187 near Crowley (Tarrant County, Texas
RN102287109; WQ0013518-001, TX0105872, Investigation #993920

Dear Mr. Slocum:

This is in response to your letter of April 25, 2012 regarding reference Notice of Violation.

The responses are numbered to correspond to the "Track No" listed on your Summary of Investigation Findings.

Track No. 454573

Failure to ensure lift stations meet TCEQ design requirements. Alarms were not working and the lift station was not secured when investigators arrived.

Apparently this refers to when you arrived at the station on December 29, 2011. I discussed this with Mr. Bowman who indicated that at the time he was working on the collection system and moving from plant site to lift station in trying to deal with the overflow. Work was ongoing with his staff coming and going from the site. If the lift station was not locked his people had not left the collection system.

As you stated all systems had been repaired and were operational until the Onco transformer serving the lift station burned out. The resulting surge burned out the autodialer. This equipment has been repaired and is operational. Documentation is attached.

Mr. Sid Slocum
TCEQ
Response to Investigation
May 20, 2012
Page Three

Track No 464829

I concur that the permit renewal was not received by the TCEQ until April 25, 2012. The draft permit was furnished to D & K on Sept. 28, 2011 and notice released on October 27, 2011. Response to public comment was issued February 9, 2012. If the permit renewal had been received on March 1 the issuance of the renewal would have happened well past September 1, 2011.

Yes, we have received the renewal. Mr. Boomer tried on two occasions to email a copy but the file was too large. He also offered to deliver a copy to you at your office but you indicated that you could just wait until it made its way to your desk.

ADDITIONAL ISSUES

Certified Operators – Mr. Camarena is no longer employed by Bowman Environmental. The plant is being operated by David Bowman.

Annual Sludge Reports – Your question was “Are the annual sludge reports submitted as required?”

You indicated that the reports had “possibly not been received in the Central Office. I’m not sure what that statement is intended to mean. All reports have been submitted to the Central Office as required. Required corrections have been made and new copies provided.

Is current mailing address on permit? Required changes in address have been submitted months (if not years) ago. The address on the application for a permit renewal was correct.

Compliant with other Permit Requirements? To the best of my knowledge and belief D & K is in compliance with other permit requirements.

Mr. Sid Slocum
TCEQ
Response to Investigation
May 20, 2012
Page Two

Track No 454577

Failure to inspect collection system on a daily basis.

Corrective Action: Completed daily check list for the period March 8, 2012 to April 25, 2012 are attached.

Track No. 464646

Self monitoring permit limitations.

I have discussed this with the Operator. The values outside the limits were caused by a Logic Controller which operated the plant malfunctioning. After attempting to bring the plant back into limits without success, the logic controller was replaced. The plant has had no problems since the equipment was repaired.

Track No. 464654

The problems with the chlorine residues resulted from the way the correction for Manganese was applied in the field or when the DMR was prepared. Corrected DMRs have been submitted and are attached.

Track No 454568

You have indicated that this item has been resolved.

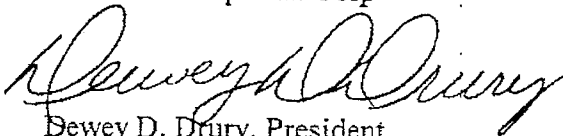
Mr. Sid Slocum
TCEQ
Response to Investigation
May 20, 2012
Page Four

We trust these responses and the attached information will resolve the issues.

Advise if there are other questions or concerns.

Sincerely,

D & K Development Corp



Dewey D. Drury, President

INVESTIGATION SAMPLE RESULTS

Regulated Entity Name: D&K Development - Mayfair Addition WWTP

TPDES Permit No.: WQ0013518-001

Date of Investigation: March 8, 2012

Sampling Parameter	Measured Value	Authorized Limit	Sample Type	COC ID No.
Outfall 001 - Domestic				
Flow (MGD)	0.3757	N/A	Instantaneous (batch) flow	N/A
CBOD ₅ (mg/L)	5	35	Single Grab	47494
TSS (mg/L)	8	60	Single Grab	47494
DO (mg/L)	8.32	≥ 4.0 min.	In-situ	47494
pH (SU)	7.39	6.0 - 9.0	Grab	47494
Total Chlorine Residual (mg/L)	>5.0	1.0 - 4.0	Grab	47494
Ammonia-Nitrogen (mg/L)	0.06	15	Single Grab	47494



5144 East Sam Houston Parkway North
 Houston, Texas 77015
 Phone: (281) 457-5229
 Fax: (281) 457-9107
 Contact:
 Anandam Pillai - Work Leader
 Rajani Geeraghese - Work Leader

TCEQ Laboratory Report of Analysis

3/28/2012 12:40:14PM

TCEQ Sample #: AA46827	Chain of Custody #: 47494-01	Region: 4				
Program: Water Quality Monitoring	Sample Matrix: LIQUID	Organization #: 06104				
Sample Collected: 03/08/2012 14:40	Collected By: eric.agnew@tceq.texas.gov	Work #: 25072				
Sample Received: 03/09/2012		Permit #: WQ0013518-001				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">Sample Depth:</td> <td style="width: 33%;">CL2R: 75.0</td> <td style="width: 33%;">Field pH: 7.39</td> <td style="width: 33%;">Conductivity:</td> </tr> </table>			Sample Depth:	CL2R: 75.0	Field pH: 7.39	Conductivity:
Sample Depth:	CL2R: 75.0	Field pH: 7.39	Conductivity:			
Collection Site: D&K Development-Mayfair Addition WWTP-Grab						

CONSTITUENT	RESULT	QUAL	UNIT	ANALYSIS DATE	METHOD
Ammonia as N	0.06		mg/L	03/21/2012 12:32	EPA 350.1 R2.0
CBOD, 5-Day	5		mg/L	03/09/2012 11:00	SM21 5210B
Total Suspended Solids	8		mg/L	03/14/2012 08:15	SM18 2540D
Volatile Suspended Solids	6		mg/L	03/14/2012 08:15	EPA 160.4 (1983)

End of Report for TCEQ Sample Number: AA46827

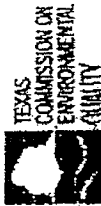
Laboratory Approval: _____

Callie

Mar 28, 2012

This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy, or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately and delete all copies of the message.

46827



Chain of Custody Record

47494

Permit #: WR 0015578-001

Location: DAK Development - Mayfair Addition West
(Do not fill in this shaded area if the facility information must be confidential)

Region: Organization #: 06184 PCA Code: 25072 Program: WA
 Sampler telephone number: (817) 588-5839
 Sampler: (please print clearly) ERLC, Andrew

Lab ID Number	Sample ID	Date	Time	# of Bottles	Grab/Comp.	Matrix L.S.M.O.T.	CL2	pH	Cont.	Analyses Requested	REMARKS
AW46827	-01	3/8/02	14:40	2	G	L	25.0	7.39	832	CBOD, TSS / NH ₃ -N	w/6.30y
	-02										
	-03										
	-04										
	-05										
	-06										
	-07										
	-08										
	-09										
	-10										

Relinquished by: [Signature] Date: 3/8/02 Time: 16:25 Received by: Fed Ex
 Relinquished by: [Signature] Date: 3/9/02 Time: 09:15 Received by: H.B. [Signature]
 Relinquished by: [Signature] Date: [] Time: [] Received by: []
 Relinquished by: [Signature] Date: [] Time: [] Received by: []

Shipper Name: [Signature] Shipper Number: 8766 9979 5081
 TCEQ-10065 (11/02) White (Original) Lab Yellow-Lab Pink-Contract Lab Manager Goldenrod-Collector Copy

Bryan W. Shaw, Ph.D., *Chairman*
Chris Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 25, 2012

SIGNATURE CONFIRMATION #91 3408 2133 3932 0201 6644
RETURN RECEIPT REQUESTED

Mr. Dewey Dusty Drury, Owner
D&K Development Corp.
P.O. Box 172081
Arlington, Texas 76003-2081

Re: Notice of Violation for the Comprehensive Compliance Investigation at:
D&K Development Corp. - Mayfair Addition WWTP, 2700 Highway 1187 in Crowley
(Tarrant County), Texas -
RN102287109; WQ0013518-001, TX0105872, Investigation #993920

Dear Mr. Drury:

On March 8, 2012, Eric Agnew of the Texas Commission on Environmental Quality (TCEQ) Dallas/Fort Worth Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for wastewater treatment. Enclosed is a summary which lists the investigation findings. During the investigation, some concerns were noted which were alleged noncompliances that have been resolved due to documentation received. In addition, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by **May 25, 2012** a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for each of the outstanding alleged violations.

In the listing of alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Dallas/Fort Worth Region Office at (817) 588-5800 or the Central Office Publications Ordering Team at (512) 239-0028. Copies of applicable federal regulations may be obtained by calling Environmental Protection Agency's Publications at (800) 490-9198.

The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. Self-reported violations may be subject to enforcement, including penalties, upon review by the Enforcement Division. We anticipate that you will resolve the alleged violations as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violations documented in this notice. Should you choose to do so, you must notify the Dallas/Fort Worth Region Office within 10 days from the date of this letter. At that time, Mr. Sid Slocum, Water Section Manager, will schedule a violation review meeting to be conducted

Mr. Drury, D&K Development Corp.

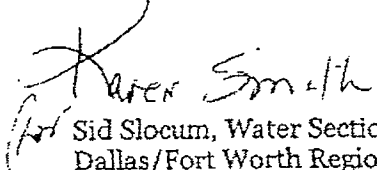
April 25, 2012

Page 2

within 21 days from the date of this letter. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the attached Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

If you or members of your staff have any questions, please feel free to contact Mr. Agnew at (817) 588-5839.

Sincerely,



Sid Slocum, Water Section Manager
Dallas/Fort Worth Region Office

SS/ea

cc: Mr. David Bowman, Bowman H2O, 801 S. Files St.; Itasca, TX 76055-3100

Enclosure: Summary of Investigation Findings
Sample Results and C.O.C.

WYFAIR ADDITION

Investigation # 993920

TARRANT COUNTY,

Investigation Date: 03/08/2012

Additional ID(s): WQ0013518001
TX0105872

Track No: 454573 Compliance Due Date: 05/25/2012
30 TAC Chapter 305.125(5)

PERMIT WQ0013518-001
Operational Requirements, Page 9, Item 1

Alleged Violation:
Investigation: 976492

Comment Date: 12/29/2011

Failure to ensure lift stations meet TCEQ design requirements. During the investigation, it was noted that adequate alarms were not present for the lift station. This includes an audible alarm as well as a working telemetry system. Additionally, the lift station was not secured when the investigators arrived although no operators were on site.

Investigation: 993920

LEFT
Comment Date: 04/18/2012

Failure to ensure lift stations meet TCEQ design criteria. Although documentation was submitted January 12, 2012 stating the alarms and auto dialer had been repaired, the same problems were noted during this investigation. A subsequent email from Mr. Boomer on April 1, 2012 stated the alarms at the lift station (LS) and at the plant (WWTP) as well as the phone lines at the LS and at the WWTP had been repaired was sufficient until the LS transformer blew out on April 15, 2012 causing the alarms and phone line at the LS to no longer be functional.

Recommended Corrective Action: Submit documentation showing what repairs were made, at what times, and by whom in order to repair the lift station audible and visual alarms as well as the telemetry system.

*TXU REMOVE TRAPS TO L.S.
Burnt out Auto dialer
Auto-dialer*

Track No: 454577 Compliance Due Date: 05/25/2012
30 TAC Chapter 30.350(n)

Alleged Violation:
Investigation: 976492

Comment Date: 12/29/2011

Failure to inspect the collection system daily as required. During the investigation, Mr. Bowman stated the WWTP operator only inspects the off-site lift station twice per month. It is possible that daily inspections would have noticed the lift station blockage and therefore have prevented the discharge from the lift station.

Investigation: 993920

Comment Date: 04/18/2012

Failure to inspect the collection system daily as required. Although a daily checklist was presented to the investigator during the investigation, the check list was not actually being completed on a daily basis.

Recommended Corrective Action: Submit completed collection system daily checklists beginning March 8, 2012 through April 25, 2012

Track No: 464646 Compliance Due Date: 05/25/2012
30 TAC Chapter 305.125(1)

PERMIT WQ0013518-001
Effluent Limitations and Monitoring Requirements, Page 2, Items 1 and 2

Alleged Violation:

Investigation: 993920

Comment Date: 04/20/2012

Failure to comply with the self-monitoring permit limitations. Since compliance with self-reported effluent permit limitations was last demonstrated during January 2011, additional violations of effluent permit limitations have occurred. These included a total chlorine residual maximum violation during March 2011 with a reported value of 4.5 mg/L (actually a 4.2 mg/L max TCR verified during the investigation - a 4.0 limit), a CBOD violation during November 2011 with a reported daily average value of 11.5 mg/L (10 mg/L limit); and TSS violations during October and November 2011 with reported daily average values of 16.5 and 16.75 mg/L, respectively (a 15 mg/L limit).

Recommended Corrective Action: Submit evidence that effluent limitations since November 2011 all meet permit limitations. Self-reported effluent violations may be subject to enforcement, including penalties, upon review by the Enforcement Division.

Track No: 464647 -- Compliance Due Date: 05/25/2012

30 TAC Chapter 305.125(1)

PERMIT WQ0013518-001

Effluent Limitations and Monitoring Requirements, Page 2, Item 2

Alleged Violation:

Investigation: 993920

Comment Date: 04/18/2012

Failure to comply with the permit effluent limitations for total chlorine residual during the investigation. A TCR greater than 5.0 mg/L was present during the investigation.

Recommended Corrective Action: Submit documentation of reason for a TCR of this magnitude as well as documentation of actions taken to ensure this problem does not recur.

READJUST CL AMP

Track No: 464654 Compliance Due Date: 05/25/2012

30 TAC Chapter 319.7(e)

PERMIT WQ0013518-001

Monitoring and Reporting Requirements, Page 4, Item 2

Monitoring and Reporting Requirements, Page 5 or 6, Item 7.d.

Alleged Violation:

Investigation: 993920

Comment Date: 04/18/2012

Failure to accurately report data on DMRs. During the investigation errors between the operator's daily log and values reported on the applicable monthly DMRs were noted. Specifically, the total chlorine residual (TCR) for March 2011 was reported as 4.5 mg/L although it was actually documented in the operator's log as 4.2 mg/L; and during July 2011, the TCR was reported as 0.015 mg/L although the monthly TCR minimum was documented as 1.0 mg/L in the operator's log. Adequate corrections to the applicable DMRs were received in the Region Office on March 26, 2012. However, during the report writing process, it was noted that during May 2011, the maximum TSS single grab was reported as 0.17 mg/L while the daily average was reported as 9.4 mg/L. A correction to one or both of these values is needed.

Recommended Corrective Action: Submit the corrected DMR to the Region 4 Office as well as to the Compliance and Monitoring Team of the Enforcement Division in Austin. Check for other transposition errors and, if applicable, submit those corrected DMRs as well.

REDUCE FOR MANGANESE

Track No: 454588

TWC Chapter 26.121

4.0 cl
D. f m g**Alleged Violation:**

Investigation: 976492

Comment Date: 12/29/2011

failure to prevent unauthorized discharges from the collection system. An unauthorized discharge from a lift station located near Telford Trail and Builder Road in Crowley, Texas occurred on December 19, 2011. The noncompliance report received December 22, 2011 did not state the estimated volume discharged.

Investigation: 993920

Comment Date: 04/18/2012

Failure to prevent unauthorized discharges from the wastewater plant and/or collection system. Two unauthorized discharges (UD) were noted to have occurred since the last investigation. These were due to a control panel electrical problem at the WWTP which resulted in a discharge of 5,000 gallons and a pump clog at the off-site lift station which resulted in an unauthorized discharge of 50 gallons. During the investigation, signs of the overflow were still present at the WWTP. It is recommended that future overflows of a magnitude such as the one at the WWTP utilize a vac truck to remove the remaining waste. On April 16, 2012, an overflow from the off-site lift station was reported as a complaint. This resulted in a separate violation. Details of that investigation can be found as Investigation #997860.

Recommended Corrective Action: Submit a detailed plan for lift station upgrades and/or repairs to prevent future occurrences of unauthorized discharges from the lift station.

Resolution: This violation has been resolved due to subsequent corrective actions.

POWER FAILURE

Track No: 464829

30 TAC Chapter 305.65

PERMIT WQ0013518 001

Permit Conditions, Item 4.c., Page 8

Alleged Violation:

Investigation: 993920

Comment Date: 04/20/2012

Failure to submit a permit renewal application within six months of permit expiration. Specifically, the renewal application was not submitted until April 25, 2011 although the application was due March 1, 2011. The current permit expired September 1, 2011. According to Mr. Bill Boomer with D&K Development Corp., the new permit has now been issued; however, it has not been received in the TCEQ Region 4 Office

Resolution: A permit renewal application was received by the TCEQ Water Quality Division on April 25, 2011.

Description

Are certified operators with the proper certification levels operating the plant and the collection system?

Additional Comments

Mr. Camarena, a Bowman H2O contract operator, currently only possesses a Class "D" Wastewater Operator license. No independent operation of the WWTP (without Mr. Bowman's on-site supervision) can take place until Mr. Camarena obtains his Class "C" license.

CAMARENA

Are the annual sludge reports submitted, as required by the permit?

The annual sludge report summary which includes a summary of each disposal including: dates and location of disposal, transporter, etc. (listed on pages 23 and 24 of the November 2007 permit) had not been received in the Region Office (and possibly not in the Central Office either) at the time of the investigation. However, it was submitted following the investigation. Additionally, in the list of FY 2012 disposals reviewed during the investigation, the June 23, 2011 disposal site was incorrectly stated as the City of Maypearl WWTP although it was actually at the City of Blum WWTP. On the list received in the Region Office on March 26, 2012, this had been corrected. However, the associated waste manifest received did not contain a signature acknowledging receipt of the waste. This is required on each waste manifest.

CORRECTED

Is the current mailing address the same as listed on the permit? (If no, has a change of address been submitted?)

The permit expiring September 1, 2011 states the mailing address is P.O. Box 33664; Fort Worth, TX 76162. However, more current correspondence indicates the mailing address for D&K Development is P.O. Box 172081; Arlington, TX 76003. The most recent address should be present on the new permit.

Is the regulated entity compliant with the Other Permit Requirements?

The permit requires that the WWTP is equipped with a telemetry system to notify of any problems 24 hours a day. During the investigation this system was not operational. However, following the investigation, Mr. Bill Boomer, with D&K submitted a statement that the WWTP SCADA system had been repaired.

Exhibit L

Wastewater Treatment Plant Information

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 12, 2012

Mr. Dewey D. Drury
D & K Development Corp.
P.O. Box 172081
Arlington, Texas 76003-0281

Re: D & K Development Corp., TPDES Permit No. WQ0013518001
(RN102287109; CN600677470)

Dear Mr. Drury:

Enclosed is a copy of the above referenced permit for a wastewater treatment facility issued on behalf of the Executive Director pursuant to Chapter 26 of the Texas Water Code.

If you are receiving a Texas Pollutant Discharge Elimination System (TPDES) discharge permit and your system is a new facility or an existing facility that has been reporting to the Texas Commission on Environmental Quality (TCEQ), you may comply with self-reporting requirements by submitting discharge monitoring reports (DMR) electronically over the Web through STEERS (see enclosed flyer). Information about the electronic DMR (NetDMR) system is available at www.tceq.state.tx.us/goto/NetDMR. We encourage electronic reporting. Discharge facilities that do not use the NetDMR system will receive paper DMR forms and instructions from the TCEQ Enforcement Division or from the U.S. Environmental Protection Agency (EPA) if the facility has been submitting DMRs to EPA.

If you are receiving a land application (no discharge) permit and are required to report monitoring results, self-reporting forms and instructions will be forwarded to you by the TCEQ Enforcement Division.

Enclosed is a "Notification of Completion of Wastewater Treatment Facilities" form. Use this form when the facility begins to operate or goes into a new phase. The form notifies the agency when the proposed facility is completed or when it is placed in operation. This notification complies with the special provision incorporated into the permit. When the agency receives this form, the appropriate permit requirements will be activated in the compliance system database so that accurate monitoring and reporting can occur.

Mr. Dewey D. Drury
Page 2

Should you have any questions, please contact Mr. David Akoma of the TCEQ's Wastewater Permitting Section at (512) 239-4671 or if by correspondence, include MC 148 in the letterhead address at the bottom of the previous page.

Sincerely,



Charles W. Maguire, Director
Water Quality Division
Texas Commission on Environmental Quality

CWM/DA/mac

Enclosures

ccs: TCEQ, Region 4
Mr. Bill Boomer, P.O. Box 100247, Fort Worth, Texas 76185



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
P.O. Box 13087
Austin, Texas 78711-3087

TPDES PERMIT NO. WQ0013518001
[For TCEQ office use only - EPA I.D.
No. TX0105872]

This is a renewal that replaces TPDES
Permit No. WQ0013518001 issued
November 30, 2007.

PERMIT TO DISCHARGE WASTES
under provisions of
Section 402 of the Clean Water Act
and Chapter 26 of the Texas Water Code

D & K Development Corp.

whose mailing address is

P. O. Box 172081
Arlington, Texas 76003-2081

is authorized to treat and discharge wastes from the Mayfair Addition Wastewater Treatment Facility,
SIC Code 4952

located at 2700 Highway 1187, on the southwest corner of the intersection of Farm-to-Market Road
1187 and South Hulen Street, approximately three miles southwest of the intersection of Farm-to-
Market Road 1187 and Farm-to-Market Road 731 in Tarrant County, Texas 76036

to an unnamed tributary of Deer Creek; thence to Deer Creek; thence to Village Creek; thence to Lake
Arlington in Segment No. 0828 of the Trinity River Basin

only according with effluent limitations, monitoring requirements and other conditions set forth in this
permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ), the laws of the
State of Texas, and other orders of the TCEQ. The issuance of this permit does not grant to the
permittee the right to use private or public property for conveyance of wastewater along the discharge
route described in this permit. This includes, but is not limited to, property belonging to any individual,
partnership, corporation or other entity. Neither does this permit authorize any invasion of personal
rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the
permittee to acquire property rights as may be necessary to use the discharge route.

This permit shall expire at midnight, **September 1, 2016**.

ISSUED DATE: April 5, 2012


For the Commission

D & K Development Corp.

TPDES Permit No. WQ0013518001

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 001

1. During the period beginning upon the date of issuance and lasting through the date of expiration, the permittee is authorized to discharge subject to the following effluent limitations:

The daily average flow of effluent shall not exceed 0.0963 million gallons per day (MGD); nor shall the average discharge during any two-hour period (2-hour peak) exceed 133 gallons per minute (gpm).

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			<u>Min. Self-Monitoring Requirements</u>		
	Daily Avg mg/l (lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l	Report Daily Avg. & Max. Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Five/week	Instantaneous
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (8.0)	15	25	35	One/week	Grab
Total Suspended Solids	15 (12)	25	40	60	One/week	Grab
Ammonia Nitrogen						
April - October	3 (2.4)	6	10	15	One/week	Grab
November - March	5 (4.0)	7	10	15	One/week	Grab
<i>E. coli</i> , CFU or MPN/100 ml	126	N/A	N/A	394	One/quarter	Grab

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample.

4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.

6. The effluent shall contain minimum dissolved oxygen of 4.0 mg/l for both seasonal limitations, and shall be monitored once per week by grab sample.

DEFINITIONS AND STANDARD PERMIT CONDITIONS

As required by Title 30 Texas Administrative Code (TAC) Chapter 305, certain regulations appear as standard conditions in waste discharge permits. 30 TAC § 305.121 - 305.129 (relating to Permit Characteristics and Conditions) as promulgated under the Texas Water Code (TWC) §§ 5.103 and 5.105, and the Texas Health and Safety Code (THSC) §§ 361.017 and 361.024(a), establish the characteristics and standards for waste discharge permits, including sewage sludge, and those sections of 40 Code of Federal Regulations (CFR) Part 122 adopted by reference by the Commission. The following text includes these conditions and incorporates them into this permit. All definitions in TWC § 26.001 and 30 TAC Chapter 305 shall apply to this permit and are incorporated by reference. Some specific definitions of words or phrases used in this permit are as follows:

1. Flow Measurements

- a. Annual average flow - the arithmetic average of all daily flow determinations taken within the preceding 12 consecutive calendar months. The annual average flow determination shall consist of daily flow volume determinations made by a totalizing meter, charted on a chart recorder and limited to major domestic wastewater discharge facilities with one million gallons per day or greater permitted flow.
- b. Daily average flow - the arithmetic average of all determinations of the daily flow within a period of one calendar month. The daily average flow determination shall consist of determinations made on at least four separate days. If instantaneous measurements are used to determine the daily flow, the determination shall be the arithmetic average of all instantaneous measurements taken during that month. Daily average flow determination for intermittent discharges shall consist of a minimum of three flow determinations on days of discharge.
- c. Daily maximum flow - the highest total flow for any 24-hour period in a calendar month.
- d. Instantaneous flow - the measured flow during the minimum time required to interpret the flow measuring device.
- e. 2-hour peak flow (domestic wastewater treatment plants) - the maximum flow sustained for a two-hour period during the period of daily discharge. The average of multiple measurements of instantaneous maximum flow within a two-hour period may be used to calculate the 2-hour peak flow.
- f. Maximum 2-hour peak flow (domestic wastewater treatment plants) - the highest 2-hour peak flow for any 24-hour period in a calendar month.

2. Concentration Measurements

- a. Daily average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements.
 - i. For domestic wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements shall be utilized as the daily average concentration.

- ii. For all other wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values taken during the month shall be utilized as the daily average concentration.
- b. 7-day average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar week, Sunday through Saturday.
- c. Daily maximum concentration - the maximum concentration measured on a single day, by the sample type specified in the permit, within a period of one calendar month.
- d. Daily discharge - the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the sampling day.

The daily discharge determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the daily discharge determination of concentration shall be the arithmetic average (weighted by flow value) of all samples collected during that day.

- e. Bacteria concentration (*E. coli* or Enterococci) - Colony Forming Units (CFU) or Most Probable Number (MPN) of bacteria per 100 milliliters effluent. The daily average bacteria concentration is a geometric mean of the values for the effluent samples collected in a calendar month. The geometric mean shall be determined by calculating the n th root of the product of all measurements made in a calendar month, where n equals the number of measurements made; or, computed as the antilogarithm of the arithmetic mean of the logarithms of all measurements made in a calendar month. For any measurement of bacteria equaling zero, a substituted value of one shall be made for input into either computation method. If specified, the 7-day average for bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.
 - f. Daily average loading (lbs/day) - the arithmetic average of all daily discharge loading calculations during a period of one calendar month. These calculations must be made for each day of the month that a parameter is analyzed. The daily discharge, in terms of mass (lbs/day), is calculated as (Flow, MGD x Concentration, mg/l x 8.34).
 - g. Daily maximum loading (lbs/day) - the highest daily discharge, in terms of mass (lbs/day), within a period of one calendar month.
3. Sample Type
- a. Composite sample - For domestic wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC § 319.9 (a). For industrial wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC § 319.9 (b).

- b. Grab sample - an individual sample collected in less than 15 minutes.
4. Treatment Facility (facility) - wastewater facilities used in the conveyance, storage, treatment, recycling, reclamation and/or disposal of domestic sewage, industrial wastes, agricultural wastes, recreational wastes, or other wastes including sludge handling or disposal facilities under the jurisdiction of the Commission.
5. The term "sewage sludge" is defined as solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in 30 TAC Chapter 312. This includes the solids that have not been classified as hazardous waste separated from wastewater by unit processes.
6. Bypass - the intentional diversion of a waste stream from any portion of a treatment facility.

MONITORING AND REPORTING REQUIREMENTS

1. Self-Reporting

Monitoring results shall be provided at the intervals specified in the permit. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall conduct effluent sampling and reporting in accordance with 30 TAC §§ 319.4 - 319.12. Unless otherwise specified, a monthly effluent report shall be submitted each month, to the Enforcement Division (MC 224), by the 20th day of the following month for each discharge which is described by this permit whether or not a discharge is made for that month. Monitoring results must be reported on an approved self-report form that is signed and certified as required by Monitoring and Reporting Requirements No. 10.

As provided by state law, the permittee is subject to administrative, civil and criminal penalties, as applicable, for negligently or knowingly violating the Clean Water Act (CWA); TWC §§ 26, 27, and 28; and THSC § 361, including but not limited to knowingly making any false statement, representation, or certification on any report, record, or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, or falsifying, tampering with or knowingly rendering inaccurate any monitoring device or method required by this permit or violating any other requirement imposed by state or federal regulations.

2. Test Procedures

- a. Unless otherwise specified in this permit, test procedures for the analysis of pollutants shall comply with procedures specified in 30 TAC §§ 319.11 - 319.12. Measurements, tests, and calculations shall be accurately accomplished in a representative manner.
- b. All laboratory tests submitted to demonstrate compliance with this permit must meet the requirements of 30 TAC § 25, Environmental Testing Laboratory Accreditation and Certification.

3. Records of Results

- a. Monitoring samples and measurements shall be taken at times and in a manner so as to be representative of the monitored activity.

- b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), monitoring and reporting records, including strip charts and records of calibration and maintenance, copies of all records required by this permit, records of all data used to complete the application for this permit, and the certification required by 40 CFR § 264.73(b)(9) shall be retained at the facility site, or shall be readily available for review by a TCEQ representative for a period of three years from the date of the record or sample, measurement, report, application or certification. This period shall be extended at the request of the Executive Director.
- c. Records of monitoring activities shall include the following:
- i. date, time and place of sample or measurement;
 - ii. identity of individual who collected the sample or made the measurement.
 - iii. date and time of analysis;
 - iv. identity of the individual and laboratory who performed the analysis;
 - v. the technique or method of analysis; and
 - vi. the results of the analysis or measurement and quality assurance/quality control records.

The period during which records are required to be kept shall be automatically extended to the date of the final disposition of any administrative or judicial enforcement action that may be instituted against the permittee.

4. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit using approved analytical methods as specified above, all results of such monitoring shall be included in the calculation and reporting of the values submitted on the approved self-report form. Increased frequency of sampling shall be indicated on the self-report form.

5. Calibration of Instruments

All automatic flow measuring or recording devices and all totalizing meters for measuring flows shall be accurately calibrated by a trained person at plant start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually unless authorized by the Executive Director for a longer period. Such person shall verify in writing that the device is operating properly and giving accurate results. Copies of the verification shall be retained at the facility site and/or shall be readily available for review by a TCEQ representative for a period of three years.

6. Compliance Schedule Reports

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit shall be submitted no later

than 14 days following each schedule date to the Regional Office and the Enforcement Division (MC 224).

7. Noncompliance Notification

- a. In accordance with 30 TAC § 305.125(9) any noncompliance which may endanger human health or safety, or the environment shall be reported by the permittee to the TCEQ. Report of such information shall be provided orally or by facsimile transmission (FAX) to the Regional Office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided by the permittee to the Regional Office and the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.
 - b. The following violations shall be reported under Monitoring and Reporting Requirement 7.a.:
 - i. Unauthorized discharges as defined in Permit Condition 2(g).
 - ii. Any unanticipated bypass that exceeds any effluent limitation in the permit.
 - iii. Violation of a permitted maximum daily discharge limitation for pollutants listed specifically in the Other Requirements section of an Industrial TPDES permit.
 - c. In addition to the above, any effluent violation which deviates from the permitted effluent limitation by more than 40% shall be reported by the permittee in writing to the Regional Office and the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.
 - d. Any noncompliance other than that specified in this section, or any required information not submitted or submitted incorrectly, shall be reported to the Enforcement Division (MC 224) as promptly as possible. For effluent limitation violations, noncompliances shall be reported on the approved self-report form.
8. In accordance with the procedures described in 30 TAC §§ 35.301 - 35.303 (relating to Water Quality Emergency and Temporary Orders) if the permittee knows in advance of the need for a bypass, it shall submit prior notice by applying for such authorization.
9. Changes in Discharges of Toxic Substances

All existing manufacturing, commercial, mining, and silvicultural permittees shall notify the Regional Office, orally or by facsimile transmission within 24 hours, and both the Regional Office and the Enforcement Division (MC 224) in writing within five (5) working days, after becoming aware of or having reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D,

Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

- i. One hundred micrograms per liter (100 µg/L);
 - ii. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
 - iii. Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
 - iv. The level established by the TCEQ.
- b. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - i. Five hundred micrograms per liter (500 µg/L);
 - ii. One milligram per liter (1 mg/L) for antimony;
 - iii. Ten (10) times the maximum concentration value reported for that pollutant in the permit application; or
 - iv. The level established by the TCEQ.

10. Signatories to Reports

All reports and other information requested by the Executive Director shall be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).

11. All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Executive Director of the following:

- a. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to CWA § 301 or § 306 if it were directly discharging those pollutants;
- b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit; and
- c. For the purpose of this paragraph, adequate notice shall include information on:
 - i. The quality and quantity of effluent introduced into the POTW; and
 - ii. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

PERMIT CONDITIONS

1. General

- a. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application or in any report to the Executive Director, it shall promptly submit such facts or information.
- b. This permit is granted on the basis of the information supplied and representations made by the permittee during action on an application, and relying upon the accuracy and completeness of that information and those representations. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked, in whole or in part, in accordance with 30 TAC Chapter 305, Subchapter D, during its term for good cause including, but not limited to, the following:
 - i. Violation of any terms or conditions of this permit;
 - ii. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
 - iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- c. The permittee shall furnish to the Executive Director, upon request and within a reasonable time, any information to determine whether cause exists for amending, revoking, suspending or terminating the permit. The permittee shall also furnish to the Executive Director, upon request, copies of records required to be kept by the permit.

2. Compliance

- a. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment and agreement that such person will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission.
- b. The permittee has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code, and is grounds for enforcement action, for permit amendment, revocation, or suspension, or for denial of a permit renewal application or an application for a permit for another facility.
- c. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
- d. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment.
- e. Authorization from the Commission is required before beginning any change in the permitted facility or activity that may result in noncompliance with any permit requirements.

- f. A permit may be amended, suspended and reissued, or revoked for cause in accordance with 30 TAC §§ 305.62 and 305.66 and TWC§ 7.302. The filing of a request by the permittee for a permit amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
 - g. There shall be no unauthorized discharge of wastewater or any other waste. For the purpose of this permit, an unauthorized discharge is considered to be any discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Other Requirements section of this permit.
 - h. In accordance with 30 TAC § 305.535(a), the permittee may allow any bypass to occur from a TPDES permitted facility which does not cause permitted effluent limitations to be exceeded or an unauthorized discharge to occur, but only if the bypass is also for essential maintenance to assure efficient operation.
 - i. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under TWC §§ 7.051 - 7.075 (relating to Administrative Penalties), 7.101 - 7.111 (relating to Civil Penalties), and 7.141 - 7.202 (relating to Criminal Offenses and Penalties) for violations including, but not limited to, negligently or knowingly violating the federal CWA §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under the CWA § 402, or any requirement imposed in a pretreatment program approved under the CWA §§ 402 (a)(3) or 402 (b)(8).
3. Inspections and Entry
- a. Inspection and entry shall be allowed as prescribed in the TWC Chapters 26, 27, and 28, and THSC § 361.
 - b. The members of the Commission and employees and agents of the Commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulation, permit or other order of the Commission. Members, employees, or agents of the Commission and Commission contractors are entitled to enter public or private property at any reasonable time to investigate or monitor or, if the responsible party is not responsive or there is an immediate danger to public health or the environment, to remove or remediate a condition related to the quality of water in the state. Members, employees, Commission contractors, or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his presence and shall exhibit proper credentials. If any member, employee, Commission contractor, or agent is refused the right to enter in or on public or private property under this authority, the Executive Director may invoke the remedies authorized in TWC § 7.002. The statement above, that Commission entry shall occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection, is not grounds for denial or restriction of entry to any part of the facility, but merely describes the Commission's duty to observe appropriate rules and regulations during an inspection.

4. Permit Amendment and/or Renewal

- a. The permittee shall give notice to the Executive Director as soon as possible of any planned physical alterations or additions to the permitted facility if such alterations or additions would require a permit amendment or result in a violation of permit requirements. Notice shall also be required under this paragraph when:
- i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in accordance with 30 TAC § 305.534 (relating to New Sources and New Dischargers); or
 - ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the permit, nor to notification requirements in Monitoring and Reporting Requirements No. 9;
 - iii. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
- b. Prior to any facility modifications, additions, or expansions that will increase the plant capacity beyond the permitted flow, the permittee must apply for and obtain proper authorization from the Commission before commencing construction.
- c. The permittee must apply for an amendment or renewal at least 180 days prior to expiration of the existing permit in order to continue a permitted activity after the expiration date of the permit. If an application is submitted prior to the expiration date of the permit, the existing permit shall remain in effect until the application is approved, denied, or returned. If the application is returned or denied, authorization to continue such activity shall terminate upon the effective date of the action. If an application is not submitted prior to the expiration date of the permit, the permit shall expire and authorization to continue such activity shall terminate.
- d. Prior to accepting or generating wastes which are not described in the permit application or which would result in a significant change in the quantity or quality of the existing discharge, the permittee must report the proposed changes to the Commission. The permittee must apply for a permit amendment reflecting any necessary changes in permit conditions, including effluent limitations for pollutants not identified and limited by this permit.
- e. In accordance with the TWC § 26.029(b), after a public hearing, notice of which shall be given to the permittee, the Commission may require the permittee, from time to time, for good cause, in accordance with applicable laws, to conform to new or additional conditions.
- f. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under CWA § 307(a) for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be

modified or revoked and reissued to conform to the toxic effluent standard or prohibition. The permittee shall comply with effluent standards or prohibitions established under CWA § 307(a) for toxic pollutants within the time provided in the regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5. Permit Transfer

- a. Prior to any transfer of this permit, Commission approval must be obtained. The Commission shall be notified in writing of any change in control or ownership of facilities authorized by this permit. Such notification should be sent to the Applications Review and Processing Team (MC 148) of the Water Quality Division.
- b. A permit may be transferred only according to the provisions of 30 TAC § 305.64 (relating to Transfer of Permits) and 30 TAC § 50.133 (relating to Executive Director Action on Application or WQMP update).

6. Relationship to Hazardous Waste Activities

This permit does not authorize any activity of hazardous waste storage, processing, or disposal that requires a permit or other authorization pursuant to the Texas Health and Safety Code.

7. Relationship to Water Rights

Disposal of treated effluent by any means other than discharge directly to water in the state must be specifically authorized in this permit and may require a permit pursuant to TWC Chapter 11.

8. Property Rights

A permit does not convey any property rights of any sort, or any exclusive privilege.

9. Permit Enforceability

The conditions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

10. Relationship to Permit Application

The application pursuant to which the permit has been issued is incorporated herein; provided, however, that in the event of a conflict between the provisions of this permit and the application, the provisions of the permit shall control.

11. Notice of Bankruptcy.

- a. Each permittee shall notify the Executive Director, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of Title 11 Bankruptcy) of the United States Code (11 USC) by or against: