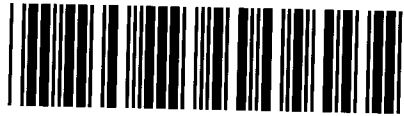




Control Number: 42994



Item Number: 24

Addendum StartPage: 0

42994

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



RECEIVED  
2015 JUN 10 PM 2:09

PUBLIC UTILITY COMMISSION  
FILING OFFICE

# 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

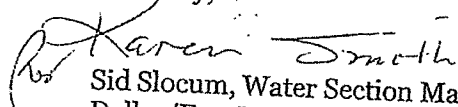
Re: Notice of Compliance with Notice of Violation (NOV) dated April 25, 2012  
D&K Development Corp. - Mayfair Addition WWTP, 2700 Highway 1187 in Crowley  
(Tarrant County), Texas  
RN102287109; WQ0013518-001, TX0105872, Investigation #993920

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

24  
1

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

Form 422-1-67  
CMB No. 3264-1006

**Revised**  
**COPY**

DMR Mailing ZIP CODE: 76055  
MINOR (SUBR 04)

DOMESTIC FACILITY - 001  
External Outfall

No Discharge

TX0105972  
PERMIT NUMBER

001-A  
DISCHARGE NUMBER

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

FROM 05/01/2011 TO 05/31/2011

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if Different):  
D&K DEVELOPMENT CORP  
801 SOUTH FILES STREET  
ITASCA, TX 76055

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

PARAMETER	SAMPLE MEASUREMENT	PERMIT REQUIREMENT	QUANTITY OR LOADING			QUALITY OR CONCENTRATION			NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
			VALUE	UNITS	VALUE	UNITS	VALUE	UNITS			
Oxygen, dissolved (DO)	00300 10	5.0	4	MO MIN	5.0	MO MIN	4	mg/L	0	Weekly	Grab
pH	00400 10	7.2	6	MINIMUM	7.2	6	SU	mg/L	0	Weekly	Grab
Effluent Gross	00530 10	3.90	12	DAILY AV	9.4	15	DAILY AV	mg/L	0	Weekly	Grab
Solids, total suspended	00610 10	10	24	DAILY AV	32	15	DAILY AV	mg/L	0	Weekly	Grab
Effluent Gross	50050 10	0.50	0.963	DAILY AV	0.94	Req Mon DAILY MAX	mgal/d	mg/L	0	Weekly	Grab
Flow, in conduit or thru treatment plant	Chlorine, total residual	50060 10	1.0	MO MIN	1.0	4	MO MAX	mg/L	0	Weekly	Grab
Effluent Gross	BOD, carbonaceous 05 day, 20 C	80082 10	2.98	8	DAILY AV	7.2	10	DAILY AV	0	Weekly	Grab
Effluent Gross											

\* Revised David Bowman

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER

Albert Shepton  
TYPED OR PRINTED

09/10/12

DATE

254-687-2642

TELEPHONE NUMBER

9/20/11

DATE

09/10/12

DATE

COMMENTS AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)  
WQC00135-8-001

09/10/12 Comments: darkened all decimal points

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

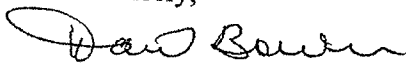
In response to alleged violation investigation # 993920, of failure to comply with the permit effluent limitations for total chlorine residual during the investigation:  
The chlorine residual reading was caused by the changing over to a new barrel of bleach. Every time a new barrel is put in use, the 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

Office (254) 687-2642

Fax (254) 687-2656

Mobile (817) 994-8418

MWD/WQ0013518-001/CO

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

**MAYFAIR ADDITION**

Investigation # 1036969      **RN102287109**  
Investigator: ERIC AGNEW      Incident #  
Conducted: 10/09/2012 -- 10/09/2012      Site Classification  
Program(s): WASTEWATER      DOMESTIC MINOR  
SIC Code: 4952  
NAIC Code: 221320

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.

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.

**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):