



Control Number: 43360



Item Number: 4

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83<sup>rd</sup>  
Legislature, Regular Session, transferred the functions  
relating to the economic regulation of water and sewer  
utilities from the TCEQ to the PUC effective  
September 1, 2014.

43360

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



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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
PUBLIC UTILITY COMMISSION  
FILING CLERK

*Protecting Texas by Reducing and Preventing Pollution*

October 29, 2012

**CERTIFIED MAIL NO: 91 7199 9991 7031 3394 2345**  
**RETURN RECEIPT REQUESTED**

Mr. Bruce Pearson, City Manager  
City of Pleasanton  
P.O. Box 209  
Pleasanton, Texas 78064

Re: Notice of Violation for the Comprehensive Compliance Investigation at:  
City of Pleasanton Atascosa River Wastewater Treatment Facility located approximately  
0.4 miles southeast of the intersection of U.S. Highway 281 and the Missouri Pacific  
Railroad and 0.5 mile east of the intersection of State Highway 97 and U.S. Highway 281  
in the City of Pleasanton in Atascosa County, Texas  
Regulated Entity No.: RN102185311, TCEQ ID No.: WQ0010598001, EPA ID No.:  
TX0022594

Dear Mr. Pearson:

On August 23, 2012, Ms. Agnieszka Hobson of the Texas Commission on Environmental Quality (TCEQ) San Antonio Region 13 Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for water quality. Enclosed is a summary which lists the investigation findings. Please submit to this office by November 26, 2012 a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for outstanding alleged violations: Track No. 480783, Track No. 480793, Track No. 480796, and Track No. 480799.

In the listing of the 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 San Antonio Region Office at 210-490-3096 or the Central Office Publications Ordering Team at 512-239-0028.

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. 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 San Antonio Region

4

Mr. Bruce Pearson  
October 29, 2012  
Page 2

Office within 10 days from the date of this letter. At that time, Ms. Lynn Bumguardner will schedule a violation review meeting to be conducted *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 enclosed Summary of Investigation Findings until an official decision is made regarding the status of the contested violations.

If you or members of your staff have any questions, please feel free to contact Ms. Agnieszka Hobson in the San Antonio Region Office at 210-490-3096.

Sincerely,



Joy Thurston-Cook  
Water Section Work Leader  
San Antonio Region Office

JTC/AMH/eg

Enclosure: Summary of Investigation Findings

## Summary of Investigation Findings

ATASCOSA RIVER FACILITY

Investigation #

, ATASCOSA COUNTY,

1028411  
Investigation Date: 08/23/2012

Additional ID(s): TX0022594  
R10598001  
WQ0010598001

### OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 480783      Compliance Due Date: 11/26/2012  
30 TAC Chapter 281.25(a)(4)

**Alleged Violation:**

Investigation: 1028411

Comment Date: 10/23/2012

Failure to obtain permit coverage under the Texas Pollutant Discharge Elimination System (TPDES) General Permit Number TXR050000 for storm water discharges associated with industrial activities.

**Recommended Corrective Action:** Obtain permit coverage under the TPDES General Permit Number TXR050000 for storm water discharges associated with industrial activities. Develop and implement a site specific Storm Water Pollution Prevention Plan (SWP3).

Submit compliance documentation to the TCEQ San Antonio Regional Office demonstrating permit coverage has been obtained and an SWP3 has been developed and implemented.

Track No: 480793      Compliance Due Date: 11/26/2012  
30 TAC Chapter 217.328(b)

**Alleged Violation:**

Investigation: 1028411

Comment Date: 10/23/2012

Failure to provide hazard signs stating "DANGER-OPEN TANKS-NO TRESPASSING" within visible sighting of each other and on each gate at the WWTP.

**Recommended Corrective Action:** Provide hazard signs stating "DANGER-OPEN TANKS-NO TRESPASSING" within visible sighting of each other and on each gate at the WWTP.

Provide compliance documentation indicating the signs had been installed.

Track No: 480796      Compliance Due Date: 11/26/2012  
30 TAC Chapter 217.59(b)

**Alleged Violation:**

Investigation: 1028411

Comment Date: 10/24/2012

Failed to secure the lift stations in an intruder resistant manner. The lift stations at the plant and the collection system were not equipped with adequate fencing, enclosure or a lockable structure.

**Recommended Corrective Action:** Lift stations must include an intruder resistant fence, enclosure, or a lockable structure. An intruder resistant fence must use a minimum of a 6.0 feet high chain link, masonry, or board fence with at least three strands of barbed wire or an 8.0 feet high chain link, masonry, or board fence with at least one strand of barbed wire.

Submit documentation indicating that the lift stations are secure in an intruder resistant manner.

Track No: 480799      Compliance Due Date: 11/26/2012

30 TAC Chapter 217.63(b)

30 TAC Chapter 217.63(c)

**Alleged Violation:**

Investigation: 1028411

Comment Date: 10/24/2012

Failed to provide the required alarm system. Specifically, the FM 476 and FM 3350 lift stations were not equipped with audio alarms.

**Recommended Corrective Action:** Lift stations must include an audiovisual alarm system and the system must transmit all alarm conditions through use of an auto-dialer system, Supervisory Control and Data Acquisition system, or telemetering system connected to a continuously monitored location. An alarm system must self-activate for a power outage, pump failure, or a high wet well water level.

Submit documentation indicating that the lift stations include an audiovisual alarm system.

**ADDITIONAL ISSUES**

Description	Additional Comments
Have unauthorized discharges occurred at the plant or in the collection system since the last CCI?	For the time period of January 2012 thru August 2012, the permittee reported three sanitary sewer overflows (SSO) in their collection system. The permittee has provided the required SSO reporting documentation. The City of Pleasanton participates in the Sanitary Sewer Overflow Initiative (Enforcement Case No. 39002). The Agreement between the TCEQ and the City of Pleasanton became effective on February 15, 2011.
Are the flow measuring devices(s) properly installed, operated and maintained?	The staff gauge should be installed in the flume channel for flow accuracy check purposes.