

FALL CREEK UTILITY WWTP -

5/19/03 to 6/5/03

Page 4 of 5

Failure to meet the permitted grab sample limit of 100 mg/L for BOD5. Laboratory results for the period under review (January 2003 - April 2003) indicated BOD5 levels consistently between 230 mg/L and 360 mg/L.

Recommended Corrective Action: Submit a plan for complying with the permitted limits.

Resolution:

Track No: 62129 **Compliance Due Date:** No Date Entered

30 TAC Chapter 305.125(1)

Alleged Violation:
Investigation: 112737

Comment Date: 06/20/2003

Failure to submit written notification for effluent violations that deviate by more than 40% from the permitted limit. Every grab sample analyzed for BOD5 during the period under review (January 2003 - April 2003) exceeded the permitted limit of 100 mg/L by more than 40%.

Recommended Corrective Action:

Resolution:

Track No: 62151 **Compliance Due Date:** No Date Entered

30 TAC Chapter 325.106

Alleged Violation:
Investigation: 112737

Comment Date: 06/20/2003

Allowing an individual with an inadequate level of certification to perform a regulated activity. The facility owner holds a class C wastewater license; however, the facility operator responsible for maintaining the drain field does not hold a wastewater license.

Recommended Corrective Action: Employ an individual with adequate certification to maintain the wastewater facility.

Resolution:

Areas of Concern

Description

If no, has a change of address been submitted?

Describe any plant modifications and or collection system upgrades since the last comprehensive compliance investigation.

OTHER COMMENTS

Additional Comments

The mailing address on the permit is not the correct mailing address. Please complete and submit a change of address form.

Additional sand/soil has been applied to the drain field in an attempt to level the drain field and/or prevent surfacing of sewage. The owner was advised that modifying the surface of the drain field is not an acceptable method of correcting areas of surfacing wastewater.

To date, the wastewater treatment system has not been able to achieve the required treatment needed to meet the permitted limit for BOD5. Septic tank systems should be able to achieve a 30 to 40% reduction in BOD5. Raw wastewater typically has a BOD5 of around 250 mg/L. The influent wastewater BOD5 for this KV park is unknown; however, BOD5 levels obtained from the sampling port on the second tank appear to be very high, indicating little

FALL CREEK UTILITY WWTP -

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Page 5 of 5

or no treatment is being achieved prior to disposal in the subsurface drainfield. The Region office has recommended that the owner seek a major amendment to the permit during the next renewal in order to request the elimination of the sampling requirement. The details of the treatment system should also be reiterated to the permitting staff in order to clarify any misinterpretation of the type of treatment system being used. Should this prove to be unsuccessful, the permittee will need to seek another alternative to meet the effluent limits set forth in the permit. It is also recommended that the facility monitor and remove any septic solids that have accumulated in the bottom of the septic tanks and may be contributing to the high BOD5 problem.

Signed

C. A. C. C.
Environmental Investigator

Date

6/20/2003

Signed

S. J. S.
Supervisor

Date

6/23/03

Attachments: (in order of final report submittal)

☒ Enforcement Action Request (EAR)☒ Letter to Facility (specify type): NOE☐ Investigation Report☒ Sample Analysis Results☐ Manifests☐ NOR☐ Maps, Plans, Sketches☒ Photographs☐ Correspondence from the facility☐ Other (specify):

Fall Creek Utility Co., Inc.
PO Box 954
Granbury, TX 76048

August 12, 2003

Carrie Landrum
Dallas/Fort Worth Region Office #4
2301 Gravel Dr.
Fort Worth, TX 76118-6951

RE: Reply to Comprehensive Compliance Investigation at
Lake Granbury RV Park, 7001 Ranch House Road Granbury
(Hood County), Texas
TCM9 JD No.: 13809-001

Dear Ms. Landrum,

Fall Creek Utility Co., Inc. has taken immediate actions to correct the alleged violations. All resolutions are now in place.

Please advise Fall Creek Utility Co., Inc. where we should submit written notification for effluent violations, if needed.

Fall Creek Utility Co., Inc. could also sent copies of MOR's (weekly inspections), if desired.

Sincerely,

Charlotte Garrett, Owner

Full Creek Utility Co. Inc.
PO Box 954
Granbury, TX 76048
817-573-6509

caganett6509@sbccglobal.net

Page 1

Track Compliance TAC

No. 56723
e Due Date
No Date
Entered

30 TAC 305.125(1) The permittee has a duty to comply with all permit conditions. Failure to comply with any permit condition is a violation of the permit and stakes under which it was issued 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.

56738 No Date
Entered

TWC 26.121 no person may discharge sewage, municipal waste, recreational waste, agricultural waste into or adjacent to any water in the state. Permit 13809-001 Provision #4

56754 No Date
Entered

30 TAC 305.125(1) The permittee has a duty to comply with all permit conditions. Failure to comply with any permit condition is a violation of the permit and stakes under which it was issued 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.

Alleged Violation

Failure to monitor the accumulation of solids in the septic tanks at least once every six months. Removal of solids should be done as necessary to achieve optimum efficiency. Records of the dates of inspection and dates on which solids were removed should be maintained

Recommended Corrective Action

Begin monitoring the solids in the tanks every six months and keep a log of these inspections. Also keep trip tickets for any solids removed from the tanks.

Unauthorized discharge of wastewater and failure to maintain subsurface treatment units so as to prevent contamination of surface water and prevent the occurrence of nuisance conditions. Surface wastewater was observed on the drainfield during the investigation on May 19, 2003. The grab sample collected from the surface of the drainfield on the day of the investigation had a fecal coliform count of >200,000 cfu/100 ml. This is a repeat B violation which requires referral for enforcement action.

The owner was advised to have the wastewater system evaluated and repaired by a licensed septic system installer. The problem area should be excavated in order to make the necessary repairs. Submit documentation showing that the repairs have been completed.

Submit a plan for complying with the permitted limits.

Failure to meet the permitted grab sample limit of 100 mg/L for BOD5. Laboratory results for the period under review (January 2003 - April 2003) indicated BOD5 levels consistently between 230mg/L and 360 mg/L

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6048

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Feb 23 04 12:24p
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for denial of a permit
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ver facility.

Alleged Violation

Failure to monitor the accumulation of
solids in the septic tanks at least once
every six months. Removal of solids
should be done as necessary to achieve
optimum efficiency. Records of the
dates of inspection and dates on which
solids were removed should be
maintained.

**Recommended Corrective
Action**

Begin monitoring the solids in the
tanks every six months and keep a
log of these inspections. Also
keep trip tickets for any solids
removed from the tanks.

Resolution

Started monitoring program
of tank solids.

Unauthorized discharge of wastewater
and failure to maintain subsurface
treatment units so as to prevent
contamination of surface water and
prevent the occurrence of nuisance
conditions. Surface wastewater was
observed on the drainfield during the
investigation on May 19, 2003. The grab
sample collected from the surface of the
drainfield on the day of the investigation
had a fecal coliform count of >200,000
cfu/100 ml. This is a repeat B violation
which requires referral for enforcement
action.

The owner was advised to have
the wastewater system evaluated
and repaired by a licensed septic
system installer. The problem area
should be excavated in order to
make the necessary repairs.
Submit documentation showing
that the repairs have been
completed.

Since June 2003, no
surface wastewater has
been observed. The owner
/ operator has started a
visual inspection program
looking for surface
wastewater. A record of
the visual inspection
program will be kept in the
MOR. If any surface
wastewater is noted in the
future the problem area will
be repaired.

Submit a plan for complying with
the permitted limits.

A permit amendment is to
be filed with new grab
sample limit per 30 TAC
317.4(a) of 300 mg/L for
BOD5.

Failure to meet the permitted grab
sample limit of 100 mg/L for BOD5.
Laboratory results for the period under
review (January 2003 - April 2003)
indicated BOD5 levels consistently
between 230mg/L and 360 mg/L

62129 No Date
Entered

30 TAC 305.125(1) The permittee has a duty to comply with all permit conditions. Failure to comply with any permit condition is a violation of the permit and statutes under which it was issued 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.

62151 No Date
Entered

30 TAC 325.106

Failure to submit written notification for effluent violations that deviate by more than 40% from the permitted limit. Every grab sample analyzed for BOD₅ during the period under review (January 2003 - April 2003) exceeded the permitted limit of 100 mg/l by more than 40%.

Allowing a individual with an inadequate level of certification to perform a regulated activity. The facility owner holds a Class C Wastewater License; however, the facility operator responsible for maintaining the drainfield does not hold a wastewater license.

Employ an individual with adequate certification to maintain the wastewater facility.

Page 3

25(1) The permittee has a permit with all permit conditions. Violation of the permit and which it was issued and is enforcement action, for permit, revocation or denial of a permit action or an application for a permit facility.

Failure to submit written notification for effluent violations that deviate by more than 40% from the permitted limit. Every grab sample analyzed for BOD5 during the period under review (January 2003 - April 2003) exceeded the permitted limit of 100 mg/L by more than 40%.

Allowing a individual with an inadequate level of certification to perform a regulated activity. The facility owner holds a Class C Wastewater License; however, the facility operator responsible for maintaining the drainfield does not hold a wastewater license.

Employ an individual with adequate certification to maintain the wastewater facility.

Facility owner has taken over wastewater operations and maintains a Wastewater Grade D License.

Will submit written notification for effluent violations until permit amendment is finalized

917 341 4242

Page 4

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



THE STATE OF TEXAS
COUNTY OF TRAVIS

I hereby certify that this is a true and correct copy of a
Texas Commission on Environmental Quality document,
which is filed in the permanent records of the Commission.
Given under my hand and the seal of office on

LaDonna Castañuela **DEC 22 2004**

LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality

STATE OF TEXAS

§

COUNTY OF TRAVIS

§

I, LaDonna Castañuela, Chief Clerk of the Texas Commission on Environmental Quality, do hereby certify that the attached mailing list provides the persons to whom the notice of the public hearing for Fall Creek Utility Company, Inc., SOAH Docket No. 582-05-1528, TCEQ Docket No. 2004-1201-UCR, was mailed on December 17, 2004.

Given under my hand and the seal of the Texas Commission on Environmental Quality, this the 17th day of December, 2004.

LaDonna Castañuela

LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality

(SEAL)

Kathleen Hartnett White, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 17, 2004

BY CERTIFIED AND FIRST CLASS MAIL
Certified Receipt # 70033110000308279170

Ms. Wendall Braniff, Attorney
816 Congress Avenue, Suite 1100
Austin, Texas 78700

RE: Mailing requirements on Notice of Hearing on Fall Creek Utility Company, Inc.
SOAH Docket No. 582-05-1528, TCEQ Docket No. 2004-1201-UCR

Dear Ms. Braniff:

Enclosed is a Notice of Public Hearing concerning the above-referenced application. This notice must be provided in its entirety to all affected utility customers, at the utility company's expense. You may mail it with a utility bill or statement, or by separate first class mail. In accordance with Section 2001.051(1) of the Administrative Procedure Act, **all affected customers must receive the notice not less than 10 days before the hearing date**, or not later than January 15, 2005.

After the notice is mailed to all affected customers, you must file an affidavit stating the attached notice was mailed to all affected customers, and stating the date on which it was mailed. **Please be sure to attach a copy of the mailed notice to the affidavit.** The affidavit must be filed with the Office of the Chief Clerk of the Texas Commission on Environmental Quality (Commission), ATTN: SOAH Docket Clerk (Mail Code 105), P.O. Box 13087, Austin, Texas 78711-3087, at least two days before the public hearing.

Immediately contact the State Office of Administrative Hearings (SOAH) Docket Clerk in the event that notice is not provided in a timely manner. **When contacting the Commission or SOAH regarding this application, please reference the SOAH docket number given at the top of this letter.**

If you have any questions, please call (512) 475-3445 to speak with the SOAH Docket Clerk.

Sincerely,

A handwritten signature in black ink, appearing to read "LaDonna Castañuela".

LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality

Enclosures

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



THE STATE OF TEXAS
COUNTY OF TRAVIS

I hereby certify that this is a true and correct copy of a
Texas Commission on Environmental Quality document,
which is filed in the permanent records of the Commission
Given under my hand and the seal of office on

NOTICE OF HEARING FALL CREEK UTILITY COMPANY

SOAH Docket No. 582-05-1528

TCEQ Docket No. 2004-1201-UCR

LaDonna Castañuela DEC 22 2004

LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality

APPLICATION. Fall Creek Utility Company, Inc., P.O. Box 954, Granbury, Texas 76048, has applied to the Texas Commission on Environmental Quality (TCEQ) to change its water and sewer rate/tariffs effective June 30, 2004 for its service area located in Hood County, Texas (water Certificate of Convenience and Necessity (CCN) No. 12884 and sewer CCN No. 20854, Application Nos. 34585-G and 34586-G).

CONTESTED CASE HEARING. The State Office of Administrative Hearings (SOAH) will conduct a formal contested case hearing on this application at:

**10:00 a.m. - January 25, 2005
William P. Clements Building
300 West 15th Street, 4th Floor
Austin, Texas 78701**

The hearing will be a legal proceeding similar to a civil trial in state district court. The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 13, Texas Water Code; TCEQ rules including 30 Texas Administrative Code (TAC) Chapter 291; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. To participate in the hearing as a party, you must attend the hearing and show you would be affected by the petition in a way not common to members of the general public.

INFORMATION. For information concerning the hearing process, please contact the TCEQ Office of the Public Interest Counsel (MC 103), P.O. Box 13087, Austin, TX 78711-3087. For additional information, contact the TCEQ Water Supply Division, Utilities & Districts Section (MC 153), P.O. Box 13087, Austin, TX 78711-3087, telephone 512-239-4691. General information regarding the TCEQ can be found at our web site at www.TCEQ.state.tx.us.

Persons with disabilities who plan to attend this hearing and who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-3445, at least one week prior to the hearing.

Issued: December 17, 2004

A handwritten signature in black ink, reading "LaDonna Castañuela".

LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality

AFFIDAVIT OF NOTICE TO CUSTOMERS OF THE PUBLIC HEARING

STATE OF TEXAS §

COUNTY OF _____ §

Before me, the undersigned authority, on this day personally appeared the affiant who being by me duly sworn, deposes and says:

My name is _____, I am over eighteen (18)
(Name of Affiant)

years of age. I have personal knowledge of the facts stated herein, and they are all true and correct.

I am _____ of
(Title of Affiant)

(Name of Utility)

On _____, I caused to be mailed to all of the above named utility's
(Date)

customers and affected municipalities, if any, the attached notice of public hearing. The notice was
mailed by first class mail.

Signature of Affiant

Subscribed and sworn to before me this the _____ day of _____,
20 _____, to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

(SEAL)

Print or type Name of Notary

My Commission Expires _____

MAILING LIST
FALL CREEK UTILITY COMPANY, INC.
SOAH Docket No. 582-05-1528
TCEQ Docket No. 2004-1201-UCR

Ms. Wendall Braniff, Attorney
816 Congress Avenue, Suite 1100
Austin, Texas 78700

Via Certified and First Class Mail

Natural Resources Docket Clerk
State Office of Administrative Hearings
P. O. Box 13025
Austin, Texas 78711-3025

Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087

Gabriel Soto, Staff Attorney, Environmental Law Division (MC 173)
De'Mon Stanford, Technical Staff, Water Supply Division, Utilities & Districts Section
(MC 153)
Tammy Holgiun-Benter, Financial Staff, Water Supply Division, Utilities & Districts
Section (MC 153)
Blas Coy, Office of Public Interest Counsel (MC 103)
Andy Saenz, Agency Communications Division, Media Relations (MC 118)
Dell Sites, Support Services Division, Telecommunications Section (MC 217)

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MS WENDALL BRANIFF ATTORNEY
816 CONGRESS AVE STE 1100
AUSTIN TX 78700

or PO BOX NO.

City, State, ZIP+4

PS Form 3800, June 2002

See Reverse for Instructions