

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 Section 307(a) of the Clean Water Act 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 which 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 Chapter 11 of the Texas Water Code.

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:
 - i. the permittee;
 - ii. an entity (as that term is defined in 11 USC, §101(14)) controlling the permittee or listing the permit or permittee as property of the estate; or
 - iii. an affiliate (as that term is defined in 11 USC, §101(2)) of the permittee.
- b. This notification must indicate:
 - i. the name of the permittee and the permit number(s);
 - ii. the bankruptcy court in which the petition for bankruptcy was filed; and
 - iii. the date of filing of the petition.

OPERATIONAL REQUIREMENTS

1. The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control. Process control, maintenance, and operations records shall be retained at the facility site, or shall be readily available for review by a TCEQ representative, for a period of three years.

2. Upon request by the Executive Director, the permittee shall take appropriate samples and provide proper analysis in order to demonstrate compliance with Commission rules. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall comply with all applicable provisions of 30 TAC Chapter 312 concerning sewage sludge use and disposal and 30 TAC §§ 319.21 - 319.29 concerning the discharge of certain hazardous metals.
3. Domestic wastewater treatment facilities shall comply with the following provisions:
 - a. The permittee shall notify the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, in writing, of any facility expansion at least 90 days prior to conducting such activity.
 - b. The permittee shall submit a closure plan for review and approval to the Land Application Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, for any closure activity at least 90 days prior to conducting such activity. Closure is the act of permanently taking a waste management unit or treatment facility out of service and includes the permanent removal from service of any pit, tank, pond, lagoon, surface impoundment and/or other treatment unit regulated by this permit.
4. The permittee is responsible for installing prior to plant start-up, and subsequently maintaining, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.
5. Unless otherwise specified, the permittee shall provide a readily accessible sampling point and, where applicable, an effluent flow measuring device or other acceptable means by which effluent flow may be determined.
6. The permittee shall remit an annual water quality fee to the Commission as required by 30 TAC Chapter 21. Failure to pay the fee may result in revocation of this permit under Texas Water Code § 7.302(b)(6).
7. Documentation

For all written notifications to the Commission required of the permittee by this permit, the permittee shall keep and make available a copy of each such notification under the same conditions as self-monitoring data are required to be kept and made available. Except for information required for TPDES permit applications, effluent data, including effluent data in permits, draft permits and permit applications, and other information specified as not confidential in 30 TAC § 1.5(d), any information submitted pursuant to this permit may be claimed as confidential by the submitter. Any such claim must be asserted in the manner prescribed in the application form or by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, information may be made available to the public without further notice. If the Commission or Executive Director agrees with the designation of confidentiality, the TCEQ will not provide the information for public inspection unless required by the Texas Attorney General or a court pursuant to an open records request. If the Executive Director does not agree with the designation of confidentiality, the person submitting the information will be notified.

8. Facilities which generate domestic wastewater shall comply with the following provisions; domestic wastewater treatment facilities at permitted industrial sites are excluded.
 - a. Whenever flow measurements for any domestic sewage treatment facility reach 75 percent of the permitted daily average or annual average flow for three consecutive months, the permittee must initiate engineering and financial planning for expansion and/or upgrading of the domestic wastewater treatment and/or collection facilities. Whenever the flow reaches 90 percent of the permitted daily average or annual average flow for three consecutive months, the permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities. In the case of a domestic wastewater treatment facility which reaches 75 percent of the permitted daily average or annual average flow for three consecutive months, and the planned population to be served or the quantity of waste produced is not expected to exceed the design limitations of the treatment facility, the permittee shall submit an engineering report supporting this claim to the Executive Director of the Commission.

If in the judgement of the Executive Director the population to be served will not cause permit noncompliance, then the requirement of this section may be waived. To be effective, any waiver must be in writing and signed by the Director of the Enforcement Division (MC 149) of the Commission, and such waiver of these requirements will be reviewed upon expiration of the existing permit; however, any such waiver shall not be interpreted as condoning or excusing any violation of any permit parameter.

- b. The plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by the Commission, and failure to secure approval before commencing construction of such works or making a discharge is a violation of this permit and each day is an additional violation until approval has been secured.

- c. Permits for domestic wastewater treatment plants are granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment and disposal systems. The Commission reserves the right to amend any domestic wastewater permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from said system, to such area-wide system; or to amend this permit in any other particular to effectuate the Commission's policy. Such amendments may be made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment or disposal system.
9. Domestic wastewater treatment plants shall be operated and maintained by sewage plant operators holding a valid certificate of competency at the required level as defined in 30 TAC Chapter 30.
10. For Publicly Owned Treatment Works (POTWs), the 30-day average (or monthly average) percent removal for BOD and TSS shall not be less than 85 percent, unless otherwise authorized by this permit.
11. Facilities which generate industrial solid waste as defined in 30 TAC § 335.1 shall comply with these provisions:
- a. Any solid waste, as defined in 30 TAC § 335.1 (including but not limited to such wastes as garbage, refuse, sludge from a waste treatment, water supply treatment plant or air pollution control facility, discarded materials, discarded materials to be recycled, whether the waste is solid, liquid, or semisolid), generated by the permittee during the management and treatment of wastewater, must be managed in accordance with all applicable provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste Management.
 - b. Industrial wastewater that is being collected, accumulated, stored, or processed before discharge through any final discharge outfall, specified by this permit, is considered to be industrial solid waste until the wastewater passes through the actual point source discharge and must be managed in accordance with all applicable provisions of 30 TAC Chapter 335.
 - c. The permittee shall provide written notification, pursuant to the requirements of 30 TAC § 335.8(b)(1), to the Corrective Action Section (MC 127) of the Remediation Division informing the Commission of any closure activity involving an Industrial Solid Waste Management Unit, at least 90 days prior to conducting such an activity.
 - d. Construction of any industrial solid waste management unit requires the prior written notification of the proposed activity to the Registration and Reporting Section (MC 129) of the Registration, Review, and Reporting Division. No person shall dispose of industrial solid waste, including sludge or other solids from wastewater treatment processes, prior to fulfilling the deed recordation requirements of 30 TAC § 335.5.
 - e. The term "industrial solid waste management unit" means a landfill, surface impoundment, waste-pile, industrial furnace, incinerator, cement kiln, injection well, container, drum, salt dome waste containment cavern, or any other structure vessel, appurtenance, or other improvement on land used to manage industrial solid waste.
 - f. The permittee shall keep management records for all sludge (or other waste) removed from any wastewater treatment process. These records shall fulfill all applicable requirements of 30 TAC Chapter 335 and must include the following:
 - i. Volume of waste and date(s) generated from treatment process;
 - ii. Volume of waste disposed of on-site or shipped off-site;
 - iii. Date(s) of disposal;
 - iv. Identity of hauler or transporter;
 - v. Location of disposal site; and
 - vi. Method of final disposal.
- The above records shall be maintained on a monthly basis. The records shall be retained at the facility site, or shall be readily available for review by authorized representatives of the TCEQ for at least five years.
12. For industrial facilities to which the requirements of 30 TAC Chapter 335 do not apply, sludge and solid wastes, including tank cleaning and contaminated solids for disposal, shall be disposed of in accordance with Chapter 361 of the Texas Health and Safety Code.

SLUDGE PROVISIONS

The permittee is authorized to dispose of sludge only at a Texas Commission on Environmental Quality (TCEQ) authorized land application site, or co-disposal landfill. **The disposal of sludge by land application on property owned, leased or under the direct control of the permittee is a violation of the permit unless the site is authorized with the TCEQ. This provision does not authorize Distribution and Marketing of sludge. This provision does not authorize land application of Class A Sludge. This provision does not authorize the permittee to land apply sludge on property owned, leased or under the direct control of the permittee.**

SECTION I. REQUIREMENTS APPLYING TO ALL SEWAGE SLUDGE LAND APPLICATION**A. General Requirements**

1. The permittee shall handle and dispose of sewage sludge in accordance with 30 TAC Chapter 312 and all other applicable state and federal regulations in a manner which protects public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants which may be present in the sludge.
2. In all cases, if the person (permit holder) who prepares the sewage sludge supplies the sewage sludge to another person for land application use or to the owner or lease holder of the land, the permit holder shall provide necessary information to the parties who receive the sludge to assure compliance with these regulations.
3. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge disposal practice.

B. Testing Requirements

1. Sewage sludge shall be tested once during the term of this permit in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I [Toxicity Characteristic Leaching Procedure (TCLP)] or other method, which receives the prior approval of the TCEQ for the contaminants listed in Table 1 of 40 CFR Section 261.24. Sewage sludge failing this test shall be managed according to RCRA standards for generators of hazardous waste, and the waste's disposition must be in accordance with all applicable requirements for hazardous waste processing, storage, or disposal. Following failure of any TCLP test, the management or disposal of sewage sludge at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Registration, Review, and Reporting Division and the Regional Director (MC Region 4) within 7 days after failing the TCLP Test.

The report shall contain test results, certification that unauthorized waste management has stopped and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Registration, Review, and Reporting Division (MC 129), Texas Commission on Environmental Quality, P. O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 4) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 1 of each year.

2. Sewage sludge shall not be applied to the land if the concentration of the pollutants exceed the pollutant concentration criteria in Table 1. The frequency of testing for pollutants in Table 1 is found in Section I.C.

TABLE 1

<u>Pollutant</u>	<u>Ceiling Concentration</u> <u>(milligrams per kilogram)*</u>
Arsenic	75
Cadmium	85
Chromium	3000
Copper	4300
Lead	840
Mercury	57
Molybdenum	75
Nickel	420
PCBs	49
Selenium	100
Zinc	7500

* Dry weight basis

3. Pathogen Control

All sewage sludge that is applied to agricultural land, forest, a public contact site, or a reclamation site shall be treated by one of the following methods to ensure that the sludge meets either the Class A or Class B pathogen requirements.

- a. Six alternatives are available to demonstrate compliance with Class A sewage sludge. The first 4 options require either the density of fecal coliform in the sewage sludge be less than 1000 Most Probable Number (MPN) per gram of total solids (dry weight basis), or the density of Salmonella sp. bacteria in the sewage sludge be less than three MPN per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed. Below are the additional requirements necessary to meet the definition of a Class A sludge.

Alternative 1 - The temperature of the sewage sludge that is used or disposed shall be maintained at or above a specific value for a period of time. See 30 TAC Section 312.82(a)(2)(A) for specific information.

Alternative 2 - The pH of the sewage sludge that is used or disposed shall be raised to above 12 std. units and shall remain above 12 std. units for 72 hours.

The temperature of the sewage sludge shall be above 52 degrees Celsius for 12 hours or longer during the period that the pH of the sewage sludge is above 12 std. units.

At the end of the 72-hour period during which the pH of the sewage sludge is above 12 std. units, the sewage sludge shall be air dried to achieve a percent solids in the sewage sludge greater than 50 percent.

Alternative 3 - The sewage sludge shall be analyzed for enteric viruses prior to pathogen treatment. The limit for enteric viruses is less than one Plaque-forming Unit per four grams of total solids (dry weight basis) either before or following pathogen treatment. See 30 TAC Section 312.82(a)(2)(C)(i-iii) for specific information. The sewage sludge shall be analyzed for viable helminth ova prior to pathogen treatment. The limit for viable helminth ova is less than one per four grams of total solids (dry weight basis) either before or following pathogen treatment. See 30 TAC Section 312.82(a)(2)(C)(iv-vi) for specific information.

Alternative 4 - The density of enteric viruses in the sewage sludge shall be less than one Plaque-forming Unit per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed. The density of viable helminth ova in the sewage sludge shall be less than one per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed.

Alternative 5 (PFRP) - Sewage sludge that is used or disposed of shall be treated in one of the processes to Further Reduce Pathogens (PFRP) described in 40 CFR Part 503, Appendix B. PFRP include composting, heat drying, heat treatment, and thermophilic aerobic digestion.

Alternative 6 (PFRP Equivalent) - Sewage sludge that is used or disposed of shall be treated in a process that has been approved by the U. S. Environmental Protection Agency as being equivalent to those in Alternative 5.

- b. Three alternatives are available to demonstrate compliance with Class B criteria for sewage sludge.

Alternative 1 -

- i. A minimum of seven random samples of the sewage sludge shall be collected within 48 hours of the time the sewage sludge is used or disposed of during each monitoring episode for the sewage sludge.
- ii. The geometric mean of the density of fecal coliform in the samples collected shall be less than either 2,000,000 MPN per gram of total solids (dry weight basis) or 2,000,000 Colony Forming Units per gram of total solids (dry weight basis).

Alternative 2 - Sewage sludge that is used or disposed of shall be treated in one of the Processes to Significantly Reduce Pathogens (PSRP) described in 40 CFR Part 503, Appendix B, so long as all of the following requirements are met by the generator of the sewage sludge.

- i. Prior to use or disposal, all the sewage sludge must have been generated from a single location, except as provided in paragraph v. below;
- ii. An independent Texas Licensed Professional Engineer must make a certification to the generator of a sewage sludge that the wastewater treatment facility generating the sewage sludge is designed to achieve one of the PSRP at the permitted design loading of the facility. The certification need only be repeated if the design loading of the facility is increased. The certification shall include a statement indicating the design meets all the applicable standards specified in Appendix B of 40 CFR Part 503;
- iii. Prior to any off-site transportation or on-site use or disposal of any sewage sludge generated at a wastewater treatment facility, the chief certified operator of the wastewater treatment facility or other responsible official who manages the processes to significantly reduce pathogens at the wastewater treatment facility for the permittee, shall certify that the sewage sludge underwent at least the minimum operational requirements necessary in order to meet one of the PSRP. The acceptable processes and the minimum operational and record keeping requirements shall be in accordance with established U. S. Environmental Protection Agency final guidance;
- iv. All certification records and operational records describing how the requirements of this paragraph were met shall be kept by the generator for a minimum of three years and be available for inspection by commission staff for review; and
- v. If the sewage sludge is generated from a mixture of sources, resulting from a person who prepares sewage sludge from more than one wastewater treatment facility, the resulting derived product shall meet one of the PSRP, and shall meet the certification, operation, and record keeping requirements of this paragraph.

Alternative 3 - Sewage sludge shall be treated in an equivalent process that has been approved by the U. S. Environmental Protection Agency, so long as all of the following requirements are met by the generator of the sewage sludge.

- i. Prior to use or disposal, all the sewage sludge must have been generated from a single location, except as provided in paragraph v. below;
- ii. Prior to any off-site transportation or on-site use or disposal of any sewage sludge generated at a wastewater treatment facility, the chief certified operator of the wastewater treatment facility or other responsible official who manages the processes to significantly reduce pathogens at the wastewater treatment facility for the permittee, shall certify that the sewage sludge underwent at least the minimum operational requirements necessary in order to meet one of the PSRP. The acceptable processes and the minimum operational and record keeping requirements shall be in accordance with established U. S. Environmental Protection Agency final guidance;
- iii. All certification records and operational records describing how the requirements of this paragraph were met shall be kept by the generator for a minimum of three years and be available for inspection by commission staff for review;
- iv. The executive director will accept from the U. S. Environmental Protection Agency a finding of equivalency to the defined PSRP; and

- v. If the sewage sludge is generated from a mixture of sources resulting from a person who prepares sewage sludge from more than one wastewater treatment facility, the resulting derived product shall meet one of the Processes to Significantly Reduce Pathogens, and shall meet the certification, operation, and record keeping requirements of this paragraph.

In addition, the following site restrictions must be met if Class B sludge is land applied:

- i. Food crops with harvested parts that touch the sewage sludge/soil mixture and are totally above the land surface shall not be harvested for 14 months after application of sewage sludge.
- ii. Food crops with harvested parts below the surface of the land shall not be harvested for 20 months after application of sewage sludge when the sewage sludge remains on the land surface for 4 months or longer prior to incorporation into the soil.
- iii. Food crops with harvested parts below the surface of the land shall not be harvested for 38 months after application of sewage sludge when the sewage sludge remains on the land surface for less than 4 months prior to incorporation into the soil.
- iv. Food crops, feed crops, and fiber crops shall not be harvested for 30 days after application of sewage sludge.
- v. Animals shall not be allowed to graze on the land for 30 days after application of sewage sludge.
- vi. Turf grown on land where sewage sludge is applied shall not be harvested for 1 year after application of the sewage sludge when the harvested turf is placed on either land with a high potential for public exposure or a lawn.
- vii. Public access to land with a high potential for public exposure shall be restricted for 1 year after application of sewage sludge.
- viii. Public access to land with a low potential for public exposure shall be restricted for 30 days after application of sewage sludge.
- ix. Land application of sludge shall be in accordance with the buffer zone requirements found in 30 TAC Section 312.44.

4. Vector Attraction Reduction Requirements

All bulk sewage sludge that is applied to agricultural land, forest, a public contact site, or a reclamation site shall be treated by one of the following alternatives 1 through 10 for Vector Attraction Reduction.

Alternative 1 - The mass of volatile solids in the sewage sludge shall be reduced by a minimum of 38 percent.

Alternative 2 - If Alternative 1 cannot be met for an anaerobically digested sludge, demonstration can be made by digesting a portion of the previously digested sludge anaerobically in the laboratory in a bench-scale unit for 40 additional days at a temperature between 30 and 37 degrees Celsius. Volatile solids must be reduced by less than 17 percent to demonstrate compliance.

Alternative 3 - If Alternative 1 cannot be met for an aerobically digested sludge, demonstration can be made by digesting a portion of the previously digested sludge with a percent solids of two percent or less aerobically in the laboratory in a bench-scale unit for 30 additional days at 20 degrees Celsius. Volatile solids must be reduced by less than 15 percent to demonstrate compliance.

Alternative 4 - The specific oxygen uptake rate (SOUR) for sewage sludge treated in an aerobic process shall be equal to or less than 1.5 milligrams of oxygen per hour per gram of total solids (dry weight basis) at a temperature of 20 degrees Celsius.

Alternative 5 - Sewage sludge shall be treated in an aerobic process for 14 days or longer. During that time, the temperature of the sewage sludge shall be higher than 40 degrees Celsius and the average temperature of the sewage sludge shall be higher than 45 degrees Celsius.

- Alternative 6 - The pH of sewage sludge shall be raised to 12 or higher by alkali addition and, without the addition of more alkali shall remain at 12 or higher for two hours and then remain at a pH of 11.5 or higher for an additional 22 hours at the time the sewage sludge is prepared for sale or given away in a bag or other container.
- Alternative 7 - The percent solids of sewage sludge that does not contain unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 75 percent based on the moisture content and total solids prior to mixing with other materials. Unstabilized solids are defined as organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process.
- Alternative 8 - The percent solids of sewage sludge that contains unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 90 percent based on the moisture content and total solids prior to mixing with other materials at the time the sludge is used. Unstabilized solids are defined as organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process.
- Alternative 9 -
- i. Sewage sludge shall be injected below the surface of the land.
 - ii. No significant amount of the sewage sludge shall be present on the land surface within one hour after the sewage sludge is injected.
 - iii. When sewage sludge that is injected below the surface of the land is Class A with respect to pathogens, the sewage sludge shall be injected below the land surface within eight hours after being discharged from the pathogen treatment process.
- Alternative 10 -
- i. Sewage sludge applied to the land surface or placed on a surface disposal site shall be incorporated into the soil within six hours after application to or placement on the land.
 - ii. When sewage sludge that is incorporated into the soil is Class A with respect to pathogens, the sewage sludge shall be applied to or placed on the land within eight hours after being discharged from the pathogen treatment process.

C. Monitoring Requirements

Toxicity Characteristic Leaching Procedure (TCLP) Test

- once during the term of this permit

PCBs

- once during the term of this permit

All metal constituents and Fecal coliform or Salmonella sp. bacteria shall be monitored at the appropriate frequency shown below, pursuant to 30 TAC Section 312.46(a)(1):

<u>Amount of sewage sludge (*) metric tons per 365-day period</u>		<u>Monitoring Frequency</u>
0	to less than 290	Once/Year
290	to less than 1,500	Once/Quarter
1,500	to less than 15,000	Once/Two Months
15,000	or greater	Once/Month

(*) The amount of bulk sewage sludge applied to the land (dry weight basis).

Representative samples of sewage sludge shall be collected and analyzed in accordance with the methods referenced in 30 TAC Section 312.7.

SECTION II. REQUIREMENTS SPECIFIC TO BULK SEWAGE SLUDGE FOR APPLICATION TO THE LAND MEETING CLASS A or B PATHOGEN REDUCTION AND THE CUMULATIVE LOADING RATES IN TABLE 2, OR CLASS B PATHOGEN REDUCTION AND THE POLLUTANT CONCENTRATIONS IN TABLE 3

For those permittees meeting Class A or B pathogen reduction requirements and that meet the cumulative loading rates in Table 2 below, or the Class B pathogen reduction requirements and contain concentrations of pollutants below listed in Table 3, the following conditions apply:

A. Pollutant Limits

Table 2

<u>Pollutant</u>	<u>Cumulative Pollutant Loading Rate (pounds per acre)</u>
Arsenic	36
Cadmium	35
Chromium	2677
Copper	1339
Lead	268
Mercury	15
Molybdenum	Report Only
Nickel	375
Selenium	89
Zinc	2500

Table 3

<u>Pollutant</u>	<u>Monthly Average Concentration (milligrams per kilogram)*</u>
Arsenic	41
Cadmium	39
Chromium	1200
Copper	1500
Lead	300
Mercury	17
Molybdenum	Report Only
Nickel	420
Selenium	36
Zinc	2800

* Dry weight basis

B. Pathogen Control

All bulk sewage sludge that is applied to agricultural land, forest, a public contact site, a reclamation site, shall be treated by either Class A or Class B pathogen reduction requirements as defined above in Section I.B.3.

C. Management Practices

1. Bulk sewage sludge shall not be applied to agricultural land, forest, a public contact site, or a reclamation site that is flooded, frozen, or snow-covered so that the bulk sewage sludge enters a wetland or other waters in the State.
2. Bulk sewage sludge not meeting Class A requirements shall be land applied in a manner which complies with the Management Requirements in accordance with 30 TAC Section 312.44.
3. Bulk sewage sludge shall be applied at or below the agronomic rate of the cover crop.

4. An information sheet shall be provided to the person who receives bulk sewage sludge sold or given away. The information sheet shall contain the following information:
 - a. The name and address of the person who prepared the sewage sludge that is sold or given away in a bag or other container for application to the land.
 - b. A statement that application of the sewage sludge to the land is prohibited except in accordance with the instruction on the label or information sheet.
 - c. The annual whole sludge application rate for the sewage sludge application rate for the sewage sludge that does not cause any of the cumulative pollutant loading rates in Table 2 above to be exceeded, unless the pollutant concentrations in Table 3 found in Section II above are met.

D. Notification Requirements

1. If bulk sewage sludge is applied to land in a State other than Texas, written notice shall be provided prior to the initial land application to the permitting authority for the State in which the bulk sewage sludge is proposed to be applied. The notice shall include:
 - a. The location, by street address, and specific latitude and longitude, of each land application site.
 - b. The approximate time period bulk sewage sludge will be applied to the site.
 - c. The name, address, telephone number, and National Pollutant Discharge Elimination System permit number (if appropriate) for the person who will apply the bulk sewage sludge.
2. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge disposal practice.

E. Record keeping Requirements

The sludge documents will be retained at the facility site and/or shall be readily available for review by a TCEQ representative. The person who prepares bulk sewage sludge or a sewage sludge material shall develop the following information and shall retain the information at the facility site and/or shall be readily available for review by a TCEQ representative for a period of five years. If the permittee supplies the sludge to another person who land applies the sludge, the permittee shall notify the land applier of the requirements for record keeping found in 30 TAC Section 312.47 for persons who land apply.

1. The concentration (mg/kg) in the sludge of each pollutant listed in Table 3 above and the applicable pollutant concentration criteria (mg/kg), or the applicable cumulative pollutant loading rate and the applicable cumulative pollutant loading rate limit (lbs/ac) listed in Table 2 above.
2. A description of how the pathogen reduction requirements are met (including site restrictions for Class B sludges, if applicable).
3. A description of how the vector attraction reduction requirements are met.
4. A description of how the management practices listed above in Section II.C are being met.
5. The following certification statement:

"I certify, under penalty of law, that the applicable pathogen requirements in 30 TAC Section 312.82(a) or (b) and the vector attraction reduction requirements in 30 TAC Section 312.83(b) have been met for each site on which bulk sewage sludge is applied. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the management practices have been met. I am aware that there are significant penalties for false certification including fine and imprisonment."
6. The recommended agronomic loading rate from the references listed in Section II.C.3. above, as well as the actual agronomic loading rate shall be retained.

The person who applies bulk sewage sludge or a sewage sludge material shall develop the following information and shall retain the information at the facility site and/or shall be readily available for review by a TCEQ representative indefinitely. If the permittee supplies the sludge to another person who land applies the sludge, the permittee shall notify the land applier of the requirements for record keeping found in 30 TAC Section 312.47 for persons who land apply.

1. A certification statement that all applicable requirements (specifically listed) have been met, and that the permittee understands that there are significant penalties for false certification including fine and imprisonment. See 30 TAC Section 312.47(a)(4)(A)(ii) or 30 TAC Section 312.47(a)(5)(A)(ii), as applicable, and to the permittee's specific sludge treatment activities.
2. The location, by street address, and specific latitude and longitude, of each site on which sludge is applied.
3. The number of acres in each site on which bulk sludge is applied.
4. The date and time sludge is applied to each site.
5. The cumulative amount of each pollutant in pounds/acre listed in Table 2 applied to each site.
6. The total amount of sludge applied to each site in dry tons.

The above records shall be maintained on-site on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

F. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 4) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 1 of each year the following information:

1. Results of tests performed for pollutants found in either Table 2 or 3 as appropriate for the permittee's land application practices.
2. The frequency of monitoring listed in Section I.C. which applies to the permittee.
3. Toxicity Characteristic Leaching Procedure (TCLP) results.
4. Identity of hauler(s) and TCEQ transporter number.
5. PCB concentration in sludge in mg/kg.
6. Date(s) of disposal.
7. Owner of disposal site(s).
8. Texas Commission on Environmental Quality registration number, if applicable.
9. Amount of sludge disposal dry weight (lbs/acre) at each disposal site.
10. The concentration (mg/kg) in the sludge of each pollutant listed in Table 1 (defined as a monthly average) as well as the applicable pollutant concentration criteria (mg/kg) listed in Table 3 above, or the applicable pollutant loading rate limit (lbs/acre) listed in Table 2 above if it exceeds 90% of the limit.
11. Level of pathogen reduction achieved (Class A or Class B).
12. Alternative used as listed in Section I.B.3.(a. or b.). Alternatives describe how the pathogen reduction requirements are met. If Class B sludge, include information on how site restrictions were met.
13. Vector attraction reduction alternative used as listed in Section I.B.4.
14. Annual sludge production in dry tons/year.

City of Blooming Grove

15. Amount of sludge land applied in dry tons/year.
16. The certification statement listed in either 30 TAC Section 312.47(a)(4)(A)(ii) or 30 TAC Section 312.47(a)(5)(A)(ii) as applicable to the permittee's sludge treatment activities, shall be attached to the annual reporting form.
17. When the amount of any pollutant applied to the land exceeds 90% of the cumulative pollutant loading rate for that pollutant, as described in Table 2, the permittee shall report the following information as an attachment to the annual reporting form.
 - a. The location, by street address, and specific latitude and longitude.
 - b. The number of acres in each site on which bulk sewage sludge is applied.
 - c. The date and time bulk sewage sludge is applied to each site.
 - d. The cumulative amount of each pollutant (i.e., pounds/acre) listed in Table 2 in the bulk sewage sludge applied to each site.
 - e. The amount of sewage sludge (i.e., dry tons) applied to each site.

The above records shall be maintained on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

SECTION III. REQUIREMENTS APPLYING TO ALL SEWAGE SLUDGE DISPOSED IN A MUNICIPAL SOLID WASTE LANDFILL

A. The permittee shall handle and dispose of sewage sludge in accordance with 30 TAC Chapter 330 and all other applicable state and federal regulations to protect public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present. The permittee shall ensure that the sewage sludge meets the requirements in 30 TAC Chapter 330 concerning the quality of the sludge disposed in a municipal solid waste landfill.

B. If the permittee generates sewage sludge and supplies that sewage sludge to the owner or operator of a Municipal Solid Waste Landfill (MSWLF) for disposal, the permittee shall provide to the owner or operator of the MSWLF appropriate information needed to be in compliance with the provisions of this permit.

C. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge disposal practice.

D. Sewage sludge shall be tested once during the term of this permit in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I (Toxicity Characteristic Leaching Procedure) or other method, which receives the prior approval of the TCEQ for contaminants listed in Table 1 of 40 CFR Section 261.24. Sewage sludge failing this test shall be managed according to RCRA standards for generators of hazardous waste, and the waste's disposition must be in accordance with all applicable requirements for hazardous waste processing, storage, or disposal.

Following failure of any TCLP test, the management or disposal of sewage sludge at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Registration, Review, and Reporting Division and the Regional Director (MC Region 4) of the appropriate TCEQ field office within 7 days after failing the TCLP Test.

The report shall contain test results, certification that unauthorized waste management has stopped and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Registration, Review, and Reporting Division (MC 129), Texas Commission on Environmental Quality, P. O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 4) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 1 of each year.

E. Sewage sludge shall be tested as needed, in accordance with the requirements of 30 TAC Chapter 330.

F. Record keeping Requirements

The permittee shall develop the following information and shall retain the information for five years.

1. The description (including procedures followed and the results) of all liquid Paint Filter Tests performed.
2. The description (including procedures followed and results) of all TCLP tests performed.

The above records shall be maintained on-site on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

G. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 4) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 1 of each year the following information:

1. Toxicity Characteristic Leaching Procedure (TCLP) results.
2. Annual sludge production in dry tons/year.
3. Amount of sludge disposed in a municipal solid waste landfill in dry tons/year.
4. Amount of sludge transported interstate in dry tons/year.
5. A certification that the sewage sludge meets the requirements of 30 TAC Chapter 330 concerning the quality of the sludge disposed in a municipal solid waste landfill.
6. Identity of hauler(s) and transporter registration number.
7. Owner of disposal site(s).
8. Location of disposal site(s).
9. Date(s) of disposal.

The above records shall be maintained on-site on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

OTHER REQUIREMENTS

1. The permittee shall employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration according to the requirements of 30 TAC Chapter 30, Occupational Licenses and Registrations and in particular 30 TAC Chapter 30, Subchapter J, Wastewater Operators and Operations Companies.

This Category C facility must be operated by a chief operator or an operator holding a Category C license or higher. The facility must be operated a minimum of five days per week by the licensed chief operator or an operator holding the required level of license or higher. The licensed chief operator or operator holding the required level of license or higher must be available by telephone or pager seven days per week. Where shift operation of the wastewater treatment facility is necessary, each shift which does not have the on-site supervision of the licensed chief operator must be supervised by an operator in charge who is licensed not less than one level below the category for the facility.

2. The facility is not located in the Coastal Management Program boundary.
3. The permittee is hereby placed on notice that this permit may be reviewed by the TCEQ after the completion of any new intensive water quality survey on Segment No. 0837 of the Trinity River Basin and any subsequent updating of the water quality model for Segment No. 0837, in order to determine if the limitations and conditions contained herein are consistent with any such revised model. The permit may be amended, pursuant to 30 TAC Section 305.62, as a result of such review. The permittee is also hereby placed on notice that effluent limits may be made more stringent at renewal based on, for example, any change to modeling protocol approved in the TCEQ Continuing Planning Process.
4. A certified operator shall inspect the facility daily and maintain at the plant site a record of these inspections. These records shall be available at the plant site for inspection by authorized representatives of the commission for at least three years.

CONTRIBUTING INDUSTRIES AND PRETREATMENT REQUIREMENTS

1. The following pollutants may not be introduced into the treatment facility:
 - a. Pollutants which create a fire or explosion hazard in the publicly owned treatment works (POTW), including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using the test methods specified in 40 CFR §261.21;
 - b. Pollutants which will cause corrosive structural damage to the POTW, but in no case shall there be discharges with pH lower than 5.0 standard units, unless the works are specifically designed to accommodate such discharges;
 - c. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, resulting in Interference;
 - d. Any pollutant, including oxygen demanding pollutants (e.g., BOD), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW;
 - e. Heat in amounts which will inhibit biological activity in the POTW resulting in Interference but in no case shall there be heat in such quantities that the temperature at the POTW treatment plant exceeds 104 degrees Fahrenheit (40 degrees Celsius) unless the Executive Director, upon request of the POTW, approves alternate temperature limits;
 - f. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through;
 - g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems; and
 - h. Any trucked or hauled pollutants, except at discharge points designated by the POTW.
2. The permittee shall require any indirect discharger to the treatment works to comply with the reporting requirements of Sections 204(b), 307, and 308 of the Clean Water Act, including any requirements established under 40 CFR Part 403.
3. The permittee shall provide adequate notification to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division within 30 days subsequent to the permittee's knowledge of either of the following:
 - a. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 and 306 of the Clean Water Act if it were directly discharging those pollutants; and
 - b. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit.

Any notice shall include information on the quality and quantity of effluent to be introduced into the treatment works, and any anticipated impact of the change on the quality or quantity of effluent to be discharged from the POTW.

**CITY OF BLOOMING GROVE'S
APPLICATION TO OBTAIN A WATER AND SEWER
CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)**

ATTACHMENT E

2010 DEC -2 PM 3:39

DEC 1 2010

PWS/070001/CO

Kahleen Hartnett White, *Chairman*
Larry R. Soward, *Commissioner*
H. S. Buddy Garcia, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 06, 2007

CERTIFIED MAIL # 91 3408 2133 3931 4488 2338
RETURN RECEIPT REQUESTED

Honorable Alva L. Smith
Mayor, City of Blooming Grove
P. O. Box 237
Blooming Grove, Texas, 76626

RECEIVED
JAN 29 2008
TCEQ
CENTRAL FILE ROOM

Re: Notice of Violation for the Comprehensive Compliance Investigation at:
City of Blooming Grove, 128 S. Fordyce, Blooming Grove, Ellis County, Texas
PWS ID No: 070001

Dear Mayor Smith:

On May 24, 2007, Mr. Imran Khawaja of the Texas Commission on Environmental Quality (TCEQ), D/FW Region Office, conducted an investigation of the above-referenced facility to evaluate compliance with applicable requirements for public water supply systems. Enclosed is a summary which lists the investigation findings. During the investigation, some concerns were noted which were alleged noncompliances that have been resolved through subsequent corrective action. Certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by October 05, 2007 a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for each of the outstanding alleged violations.

The Texas Commission on Environmental Quality 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 violation(s) documented in this notice. Should you choose to do so, you must notify the D/FW Region Office within 10 days from the date of this letter. At that time, Mr. Charles Marshall, PWS Work Leader, 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 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. Imran Khawaja in the D/FW Region Office at (817)588-5806.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Marshall".

Charles Marshall
PWS Work Leader
D/FW Region Office

IAK/CLM

Enclosure: Summary of Investigation Findings

Summary of Investigation Findings

CITY OF BLOOMING GROVE PWS 128 S FORDYCE ST BLOOMING GROVE, NAVARRO COUNTY, TX 76626 Additional ID(s): 1750001	Investigation # 560655 Investigation Date: 05/24/2007
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OUTSTANDING ALLEGED VIOLATIONS

Track No: 222498 Compliance Due Date: 10/05/2007

30 TAC Chapter 290.46(f)[G]

Alleged Violation:

Investigation: 431981

Comment Date: 11/28/2005

Failure to compile Monthly operating Reports of Water Works Operation. Systems that serves more than 250 connections, or serve 750 or more people, and use only groundwater or purchase treated water shall maintain a record of the amount of water treated each day.

Investigation: 560655

Comment Date: 06/06/2007

Failure to compile Monthly operating Reports of Water Works Operation.

Recommended Corrective Action: Submit copies July, August, and September 07 monthly operating reports.

Track No: 222580 Compliance Due Date: 10/05/2007

30 TAC Chapter 291.93(3)(A)

Alleged Violation:

Investigation: 431981

Comment Date: 11/29/2005

Failure, by a retail public utility that possesses a certificate of public convenience and necessity that has reached 85% of its capacity as compared to the most restrictive criteria of the commission's minimum capacity requirements in Chapter 290 T.A.C., to submit to the executive director a planning report that clearly explains how the retail public utility will provide the expected service demands to the remaining areas within the boundaries of its certificated area.

A Capacity of .6 gallons per minute per connection (Required = $530 \times 0.6 = 318$ GPM compared 347 GPM (15 million gallons /month) maximum water production capacity) 91.64 %.

Your system(Pressure Plane #2 with 488 connections) has reached above the 85% of the Agency's "Minimum Water System Capacity Requirements." The requirements concern are:

A Capacity of 200 gallons/ connections total ground storage capacity (Required = $488 \times 200 = 97,600$ compared with 100,000 gallons total storage provided) 97.6%.

A Capacity of 100 gallon/connection elevated storage capacity (Required = $488 \times 100 = 48,800$ compared with 50,000 gallons elevated storage provided) 97.8%.

A Capacity of 2 GPM/connection service pump capacity (Required = $488 \times 2 = 976$ GPM compared with 1000 GPM service pump capacity provided) 97.6%.

Investigation: 560655

Comment Date: 06/19/2007

Failure, by a retail public utility that possesses a certificate of public convenience and necessity that has reached 85% of its capacity as compared to the most restrictive criteria of the commission's minimum capacity requirements in Chapter 290 T.A.C., to submit to the executive director a planning report that clearly explains how the retail public utility will provide the expected service demands to the remaining areas within

the boundaries of its certificated area.

A Capacity of .6 gallons per minute per connection (Required = $535 \times 0.6 = 321$ GPM compared 347 GPM (15 million gallons /month) maximum water production capacity) 92.50 %.

Your system (Pressure Plane #1 with 490 connections) has reached above the 85% of the Agency's "Minimum Water System Capacity Requirements." The requirements concern are:

A Capacity of 200 gallons/ connections total ground storage capacity (Required = $490 \times 200 = 98,000$ compared with 100,000 gallons total storage provided) 98%.

A Capacity of 100 gallon/connection elevated storage capacity (Required = $490 \times 100 = 49,000$ compared with 50,000 gallons elevated storage provided) 98%.

A Capacity of 2 GPM/connection service pump capacity (Required = $490 \times 2 = 980$ GPM compared with 1000 GPM service pump capacity) 98%.

Recommended Corrective Action: Submit a compliance plan within 90 days.

ALLEGED VIOLATIONS NOTED AND RESOLVED

Track No: 222466

30 TAC Chapter 290.109(c)(2)(A)(iii)

Alleged Violation:

Investigation: 431981

Comment Date: 11/28/2005

Failure to submit an adequate number of monthly bacteriological samples for analysis.

Due to increase size of your public water system, the number of required bacteriological samples to be collected from different locations in the distribution system must be increased to two(2) per month. The population of City of Blooming Grove water supply has been increased to 1590 since the last census of 2002. The city official stated that number of bacteriological samples will be increased to two(2) from one(1) starting December 2005.

Investigation: 560655

Comment Date: 06/06/2007

Failure to collect and submit routine bacteriological samples at a frequency based on the population served by the water system.

Recommended Corrective Action: Submit copies of 2(two) monthly bacteriological samples reports for the months of December 05 and January 06.

Resolution: On the day of the investigation, it was noted that the system has been submitting two routine bacteriological samples each month as required.

Track No: 222467

30 TAC Chapter 290.121[G]

Alleged Violation:

Investigation: 431981

Comment Date: 11/28/2005

Failure to compile and maintain an up-to-date chemical and microbiological monitoring plan. This monitoring plan should be of sufficient detail to include list of addresses and locations of bacteriological, chlorine residual and/or chemical sample points. The location of each sampling site at a pump station must be designated on a plant schematic.

Investigation: 560655

Comment Date: 06/06/2007

Failure to compile and maintain an up-to-date chemical and microbiological monitoring

Recommended Corrective Action: Submit a copy of an adequate monitoring plan which include locations of disinfectant residual and bacteriological sample sites.

Resolution: On the day of the investigation, a copy of up-to-date chemical and microbiological monitoring plan was available for review.

Track No: 222477

30 TAC Chapter 290.42(k)

Alleged Violation:

Investigation: 431981

Comment Date: 11/28/2005

Failure to compile and maintain current a thorough plant operations manual for operator review and reference. This manual should be of sufficient detail to provide the operator with routine maintenance and repair procedures, with protocols to be utilized in the event of a natural or man-made catastrophe, as well as provide telephone numbers of water system personnel, system officials, and local/state/federal agencies to be contacted in the event of an emergency.

Investigation: 560655

Comment Date: 06/06/2007

Failure to compile and maintain current a thorough plant operations manual for operator review and reference.

Recommended Corrective Action: Submit copy of an adequate plant operations manual.

Resolution: On 06/13/2007, Mr. Rory Evans, Public Works Director, submitted a copy of plant operations manual.

Track No: 222478

30 TAC Chapter 290.46(l)

Alleged Violation:

Investigation: 431981

Comment Date: 11/28/2005

Failure to flush all dead-end and main monthly, or more often if required, to maintain water quality.

Investigation: 560655

Comment Date: 06/06/2007

Failure to flush all dead-end and main monthly, or more often if required, to maintain water quality.

Recommended Corrective Action: Submit copies of dead-end and main flushing records for December 05, and January, February 06, verifying that lines have been flushed regularly.

Resolution: On the day of the investigation, it was noted that the system has been flushing all dead-end and mains on monthly basis.

Track No: 222483

30 TAC Chapter 288.20[G]

Alleged Violation:

Investigation: 431981

Comment Date: 11/28/2005

Failure to adapt a drought contingency plan. The system did not have a drought contingency plan available for review at the time of the investigation.

Investigation: 560655

Comment Date: 06/06/2007

Failure to adapt a drought contingency plan.

Recommended Corrective Action: Submit copy of an adequate drought contingency plan.

Resolution: On the day of the investigation, the system have a drought contingency plan available for review.

Track No: 222487

30 TAC Chapter 290.46(f)(3)[G]

Alleged Violation:

Investigation: 431981

Comment Date: 11/28/2005

Failure to maintain a record of the amount of each chemical used each day. On the day of the investigation, it was noted that the system did not maintaining the records of chlorine used each day.

System that serve 250 or more connections or serve 750 or more people shall maintain a record of each chemical used each day.

Investigation: 560655

Comment Date: 06/06/2007

Failure to maintain a record of the amount of each chemical used each day.

Recommended Corrective Action: Submit copies of monthly operating records for December 05, January and February 06, verifying that the system have been maintaining a records of the amount of each chemical used each day.

Resolution: On the day of the investigation, it was noted that the system were not adding any chlorine/chemical to pretreated drinking water. The system is not required to maintain the chemical usage records at this time.

Track No: 222574

30 TAC Chapter 290.46(f)(3)(D)(ii)

Alleged Violation:

Investigation: 431981

Comment Date: 11/29/2005

Failure to make available annual pressure, ground and elevated tanks inspection reports available for review at the time of the investigation.

The following record shall be retained for a period of five years after they are no longer in effect:

the results of inspection (as required in subsection(m)(1) of this section) for all water storage and pressure maintenance facilities.

Investigation: 560655

Comment Date: 06/06/2007

Failure to make available annual pressure, ground and elevated tanks inspection reports available for review at the time of the investigation.

Recommended Corrective Action: Submit copies of recent inspection reports for 3000 gallons pressure tanks, both 50,000 gallons ground storage tanks and 50,000 gallons elevated storage tank.

Resolution: On the day of the investigation, recent inspection reports for 3000 gallons pressure tanks, both 50,000 gallons ground storage tanks and 50,000 gallons elevated storage tank were available for review.

Track No: 222575

30 TAC Chapter 290.110(b)(4)

Alleged Violation:

Investigation: 431981

Comment Date: 11/29/2005

Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.5 mg/L total chloramine as per agency regulations.

The residual disinfectant concentration in the water within the distribution system shall be at least 0.2 mg/L free chlorine or 0.5 mg/L chloramine.

Investigation: 560655

Comment Date: 06/06/2007

Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.5 mg/L total chloramine as per agency regulations.

Recommended Corrective Action: Submit copy of a minimum of seven chlorine residual readings for seven consecutive days from 600 N. Kerr.

Resolution: At the time of the investigation, it was noted that the system has maintained the residual disinfectant concentration in the far reaches of the distribution system. 1.12 mg/L of total chloramines was recorded at 608 N. Kerr.

Track No: 222578

30 TAC Chapter 290.46(f)(3)(E)(iv)

30 TAC Chapter 290.46(j)(G)

Alleged Violation:

Investigation: 431981

Comment Date: 11/29/2005

Failure to complete a customer service inspection certification prior to providing continuous water service to new construction, on any existing service when the water purveyor has reason to believe that cross-connections or other unacceptable plumbing practices exist, or after any material improvement, correction, or addition to the private plumbing facilities.

Investigation: 560655

Comment Date: 06/06/2007

Failure to complete a customer service inspection certification prior to providing continuous water service to new construction.

Recommended Corrective Action: Submit copies of completed customer service inspection for the new homes on the system and any other applicable connections.

Resolution: On 06/20/2007, Mr. Rory Evans, Public Works Director, faxed copies of customer service inspection certificates.

Track No: 222579

30 TAC Chapter 290.44(h)(1)(B)(ii)

30 TAC Chapter 290.44(h)(1)(B)(iii)

30 TAC Chapter 290.44(h)(4)(C)

30 TAC Chapter 290.44(h)(G)

Alleged Violation:

Investigation: 431981

Comment Date: 11/29/2005

Failure, by the regulated entity, to prohibit water connection to a residence or establishment where an actual or potential contamination or system hazard exists without an air gap separation or an approved backflow prevention assembly between the public water facilities and the actual or potential contamination or system hazard. The City of Bloomington has failed to compile complete list for all high health hazard industries and assessment of hazard and selection of assemblies. On the day of investigation, the system did not have a copies of inspection and test reports.

Investigation: 560655

Comment Date: 06/06/2007

Failure to keep record of backflow prevention assembly test report for wastewater treatment plant.

Recommended Corrective Action: Submit verification that the city is adequately maintaining backflow prevention assembly test and maintenance reports prior to providing permanent water service and that all new construction must pass the inspection prior to obtaining permanent water service. Copies of all such inspection and test reports must be obtained and kept on file by the water purveyor. Please submit copies of recent backflow prevention assembly test and maintenance reports.

Resolution: On 06/20/2007, Mr. Rory Evans, Public Works Director, faxed a copy of backflow prevention assembly test and maintenance report for the waste water treatment plant signed by certified tester.

Texas Commission on Environmental Quality
Investigation Report
City of Blooming Grove
CN600661151

CITY OF BLOOMING GROVE PWS

RN101388759

Investigation # 560655

Investigator: IMRAN KHAWAJA

Incident # 90851

Site Classification

P 251-1K CONNECTION

Conducted: 05/24/2007 -- 05/24/2007

SIC Code: 4941

Program(s): PUBLIC WATER SYSTEM/SUPPLY

Investigation Type : Compliance Investigation

Location :

Additional ID(s) : 1750001

Address: 128 S FORDYCE ST;
BLOOMING GROVE, TX 76626

Activity Type: REGION 04 - DFW METROPLEX
PWSCCIGWCM - PWSCCOGWCM PWS CCI
Discretionary Groundwater, Purchase, Community

Principal(s) :

Role

Name

RESPONDENT

CITY OF BLOOMING GROVE

Contact(s) :

Role

Title

Name

Phone

Regulated Entity Mail Contact
Notified

MAYOR
WATER
SUPERINTENDENT

HON ALVA SMITH Work (903) 695-2711
MR RORY EVANS Work (903) 695-2711
(903) 695-2482
Cell (903) 641-9029

Participated in Investigation

WATER
SUPERINTENDENT

MR RORY EVANS

Regulated Entity Contact

WATER
SUPERINTENDENT

MR RORY EVANS

Other Staff Member(s) :

Role

Name

QA Reviewer
Supervisor

CHARLES MARSHALL
CHARLES MARSHALL

Associated Check List

Checklist Name

2005 PWS A STANDARD FIELD
PWS GENERIC VIOLATIONS
PWS GENERIC VIOLATIONS

Unit Name

Blooming Grove
Violations#1
Violations #2

Investigation Comments :

PUBLIC WATER SUPPLY REGULATORY PROGRAM
REGULATED ENTITY DATA

Mr. Rory Evens, Public Works Director, received prior notification of the investigation by Imran Khawaja on May 09, 2007. A list of documents and information required for the investigation was faxed to Mr. Rory Evens on May 09, 2007. The investigation was conducted with Mr. Rory Evens on May 24, 2007. The exit interview was conducted with Mr. Rory Evens on May 24, 2007.

ID No.: 1750001

May 24 07 Inv. # - 560655

Page 2 of 10

CCN No.: P0563
Investigation#: 560655
Enforcement No.: 0

Region: 4
Name of System: City of Blooming Grove
County: Navarro
Physical Location: 128 South Fordyce, Blooming Grove, Texas 76626

Responsible Official: Alva L. Smith
Title: Mayor
Phone #: 903/695-2711
FAX #: 903/695-2482
Mailing Address: P. O. Box 237, Blooming Grove, TX 76626
Chief Cert Oper Name: Mel Coker
Grade & Type: B-Groundwater
Phone #: 903/695-2711
FAX #: 903/695-2482
Mailing Address: P. O. Box 237, Blooming Grove, TX 76626

2nd Oper Req'd: No
Name: Rory Evans
Grade & Type: D-Water

Total # Cert. Oper.: 3

WS Manager/Superintendent: Rory Evans

Surveyed With: Rory Evans/Mel Coker
Area Served: City of Blooming Grove/surrounding rural areas
Supplier and Source: City of Blooming Grove/Surface water/City of Corsicana
Interconnection w/other PWS: Yes
Name PWS I/C: City of Corsicana
Type I/C: Wholesale/Airgap/Direct
Retail Service Connections: 535
Retail Meters: 535
Retail Population: 1605
Wholesale Master Meters: 0
Wholesale Service Connections: 0
Wholesale Population: 0

Charge: Yes
Dist. to and Name of Nearest PWS: Interconnected with City of Corsicana

Type of Investigation (CCI, CCMM, REC, Other): CCI
Previous Investigation Date: 11/02/2005
Map Attached: No
Previous Map OK: Yes
Well Operational Status Changed: N/A

Description of Supply, Source, Treatment, and Chemicals Used: The City of Blooming Grove is located at 128 South Fordyce, Blooming Grove, TX. The City of Blooming Grove purchases pre-treated water from the City of Corsicana through one master meter in the amount of 15 MG/Month and distributes the water to 535 connections. The water purchased from Corsicana is sent to 2 pump stations. System consists of 1 Elevated Storage Tank (0.05 MG), 2 Ground Storage tanks (0.1 MG Total), 1 Pressure Tank (0.003 MG Total), 4 Service pumps (2,200 GPM Total), chlorination facilities prior to storage and the distribution.

Total Svc. Pump Cap.:	2,200 gpm	3.168mgd
Total Storage Cap.:	150,000 gal	

CITY OF BLOOMING GROVE PWS - BLOOMING GROVE

May 24 07 Inv. # - 560655

Page 3 of 10

Maximum Daily Demand (MDD): Unknown mgd
Date:
Average Daily Usage: **Unknown gallons
** See Violations Checklist for details
Time Period: -
Wholesale Contract: 0 MGD
Maximum Purchase Rate: 0 MGD

MICROBIOLOGICAL

Number of Samples Required Based on Current Population: 2
Number of Samples Required Based on Bact. Records: 2
Routine Submitted: 2
Number of Raw Samples Required: N/A

Pressure = 40 psi (Pressure Plane#1)
Chlorine = 1.12 mg/L (Total)
Location = 608 N. Kerr

Pressure = 55 psi (Pressure Plane#2)
Chlorine = 1.90 mg/L (Total)
Location = 3513 S. Hwy 55

Acceptable Quality: Yes
Pretreated water from /City of Corsicana

Ground Storage Tanks

Volume	Material	Location
50,000	Bolted Steel	103 South Walker (Pump Station#1)
50,000	Bolted Steel	Highway 55 (Pump Station#2)

Total Ground Storage Tank = 100,000.00 gallons

Elevated / Pressure Storage

Volume	Material	Location
50,000	Steel	103 South Walker (Pump Station#1)
3,000	Steel	Highway 55 (Pump Station#2)

3,000 Gallons Pressure Tank
50,000 Gallons Elevated Storage Tank

Service Pumps

Number	Horse Power	GPM	Location
2 @	25 HP each (1000)		103 South Walker (PS #1)
2 @	30 HP each (1200)		Highway 55 (Pump Station#2)

Total: 2200 GPM

SYSTEM CAPACITIES

Production Capacity

Total Connections = 535
Pressure Plane #1 (City Pump Station) = 490 Connections
Pressure Plane#2 (Transfer Station) = 25 Connections
Pressure Plane#3 = Direct Pressure from City of Corsicana = 20 Connections

Required: (0.6 GPM X 535 Connections) = 321 GPM
Provided = 15,000,000 (15 million gallons) per month or 347 GPM
Reached 92.50% of its production capacity
See Generic Violations Checklist for detail

PRESSURE PLANE #1 (City Pump Station)

Ground / Total Storage Capacity

Required: (200 Gallons / Connection X 490 Connections) = 98,000 Gallons

Provided: 100,000 Gallons

Reached 98% of its Total Ground Storage Capacity

See Violation Checklist for detail

Elevated / Pressure Total Storage Capacity

Required: (100 Gallons / Connection X 490 Connections) = 49,000 Gallons

Provided: 50,000 Gallons

Reached 98.00% of its Elevated Storage Capacity

See Violation Checklist for detail

Service Pumping Capacity

Required: (2.0 GPM / Connection X 490 Connections) = 980 GPM

Provided: 1,000 GPM

Reached 98% of its service pump capacity

Service Pump Peaking Factor: N/A

PRESSURE PLANE #2 (Transfer Station)

Ground / Total Storage Capacity

Required: (200 Gallons / Connection X 25 Connections) = 5,000.00 Gallons

Provided: 50,000 Gallons

Compliant

Elevated / Pressure Total Storage Capacity

Required: (20 Gallons / Connection X 25 Connections) = 500 Gallons

Provided: 3000 Gallons

Compliant

Service Pumping Capacity

Required: (2.0 GPM / Connection X 25 Connections) = 50 GPM

Provided: 1,200 GPM

Compliant

PRESSURE PLANE #3 (Direct Pressure from Corsicana)

Ground / Total Storage Capacity

Required: N/A

Provided:

Elevated / Pressure Total Storage Capacity

Required: N/A

Provided:

Service Pumping Capacity

Required: N/A

Provided:

Outstanding Alleged Violations

1. 290.46(G) - Failure to compile Monthly operating Reports of Water Works Operation. At the time of the investigation, the system official unable to produce copies of monthly operating reports. Mr. Rory Evans presented monthly water usage ledger, but these record were incomplete and not done on regular daily basis.

2. 291.93(3)(A) - Failure, by a retail public utility that possesses a certificate of public convenience and

CITY OF BLOOMING GROVE PWS - BLOOMING GROVE

May 24 07 Inv. # - 560655

Page 5 of 10

necessity that has reached 85% of its capacity as compared to the most restrictive criteria of the commission's minimum capacity requirements in Chapter 290 T.A.C., to submit to the executive director a planning report that clearly explains how the retail public utility will provide the expected service demands to the remaining areas within the boundaries of its certificated area.

A Capacity of .6 gallons per minute per connection (Required = $535 \times 0.6 = 321$ GPM compared 347 GPM (15 million gallons /month) maximum water production capacity) 92.50 %.

City of Blooming Grove (Pressure Plane #1 with 490 connections) has reached above the 85% of the Agency's "Minimum Water System Capacity Requirements." The requirements concern are:

A Capacity of 200 gallons/ connections total ground storage capacity (Required = $490 \times 200 = 98,000$ compared with 100,000 gallons total storage provided) 98%.

A Capacity of 100 gallon/connection elevated storage capacity (Required = $490 \times 100 = 49,000$ compared with 50,000 gallons elevated storage provided) 98%.

A Capacity of 2 GPM/connection service pump capacity (Required = $490 \times 2 = 980$ GPM compared with 1000 GPM service pump capacity) 98%.

NOV Date **Method**
07/06/2007 WRITTEN

OUTSTANDING ALLEGED VIOLATIONS

Track No: 222498 **Compliance Due Date:** 10/05/2007

30 TAC Chapter 290.46(f)

Alleged Violation:
Investigation: 431981

Comment Date: 11/28/2005

Failure to compile Monthly operating Reports of Water Works Operation. Systems that serves more than 250 connections, or serve 750 or more people, and use only groundwater or purchase treated water shall maintain a record of the amount of water treated each day.

Investigation: 560655

Comment Date: 06/06/2007

Failure to compile Monthly operating Reports of Water Works Operation.

Recommended Corrective Action: Submit copies July, August, and September 07 monthly operating reports.

Resolution:

Track No: 222580 **Compliance Due Date:** 10/05/2007

30 TAC Chapter 291.93(3)(A)

Alleged Violation:
Investigation: 431981

Comment Date: 11/29/2005

Failure, by a retail public utility that possesses a certificate of public convenience and necessity that has reached 85% of its capacity as compared to the most restrictive criteria of the commission's minimum capacity requirements in Chapter 290 T.A.C., to submit to the executive director a planning report that clearly explains how the retail public utility will provide the expected service demands to the remaining areas within the boundaries of its certificated area.

A Capacity of .6 gallons per minute per connection (Required = $530 \times 0.6 = 318$ GPM compared 347 GPM (15 million gallons /month) maximum water production capacity) 91.64 %.

Your system(Pressure Plane #2 with 488 connections) has reached above the 85% of

CITY OF BLOOMING GROVE PWS - BLOOMING GROVE

May 24 07 Inv. # - 560655

Page 6 of 10

the Agency's "Minimum Water System Capacity Requirements." The requirements concern are:

A Capacity of 200 gallons/ connections total ground storage capacity (Required =488 x 200=97,600 compared with 100,000 gallons total storage provided) 97.6%.

A Capacity of 100 gallon/connection elevated storage capacity (Required =488 x 100=48,800 compared with 50,000 gallons elevated storage provided) 97.8%.

A Capacity of 2 GPM/connection service pump capacity (Required =488 x 2=976 GPM compared with 1000 GPM service pump capacity provided) 97.6%.

Investigation: 560655

Comment Date: 06/19/2007

Failure, by a retail public utility that possesses a certificate of public convenience and necessity that has reached 85% of its capacity as compared to the most restrictive criteria of the commission's minimum capacity requirements in Chapter 290 T.A.C., to submit to the executive director a planning report that clearly explains how the retail public utility will provide the expected service demands to the remaining areas within the boundaries of its certificated area.

A Capacity of .6 gallons per minute per connection (Required = 535 x 0.6 = 321 GPM compared 347 GPM (15 million gallons /month) maximum water production capacity) 92.50 %.

Your system (Pressure Plane #1 with 490 connections) has reached above the 85% of the Agency's "Minimum Water System Capacity Requirements." The requirements concern are:

A Capacity of 200 gallons/ connections total ground storage capacity (Required =490 x 200=98,000 compared with 100,000 gallons total storage provided) 98%.

A Capacity of 100 gallon/connection elevated storage capacity (Required =490 x 100=49,000 compared with 50,000 gallons elevated storage provided) 98%.

A Capacity of 2 GPM/connection service pump capacity (Required =490 x 2=980 GPM compared with 1000 GPM service pump capacity) 98%.

Recommended Corrective Action: Submit a compliance plan within 90 days.

Resolution:

ALLEGED VIOLATIONS NOTED AND RESOLVED

Track No: 222466

Resolution Date: June 13 07

30 TAC Chapter 290.109(c)(2)(A)(iii)

Alleged Violation:

Investigation: 431981

Comment Date: 11/28/2005

Failure to submit an adequate number of monthly bacteriological samples for analysis.

Due to increase size of your public water system, the number of required bacteriological samples to be collected from different locations in the distribution system must be increased to two(2) per month. The population of City of Blooming Grove water supply has been increased to 1590 since the last census of 2002. The city official stated that number of bacteriological samples will be increased to two(2) from one(1) starting December 2005.

Investigation: 560655

Comment Date: 06/06/2007

Failure to collect and submit routine bacteriological samples at a frequency based on the population served by the water system.

CITY OF BLOOMING GROVE PWS - BLOOMING GROVE

May 24 07 Inv. # - 560655

Page 7 of 10

Recommended Corrective Action: Submit copies of 2(two) monthly bacteriological samples reports for the months of December 05 and January 06.

Resolution: On the day of the investigation, it was noted that the system has been submitting two routine bacteriological samples each month as required.

Track No: 222467

Resolution Date: June 13 07

30 TAC Chapter 290.121

Alleged Violation:

Investigation: 431981

Comment Date: 11/28/2005

Failure to compile and maintain an up-to-date chemical and microbiological monitoring plan. This monitoring plan should be of sufficient detail to include list of addresses and locations of bacteriological, chlorine residual and/or chemical sample points. The location of each sampling site at a pump station must be designated on a plant schematic.

Investigation: 560655

Comment Date: 06/06/2007

Failure to compile and maintain an up-to-date chemical and microbiological monitoring plan.

Recommended Corrective Action: Submit a copy of an adequate monitoring plan which include locations of disinfectant residual and bacteriological sample sites.

Resolution: On the day of the investigation, a copy of up-to-date chemical and microbiological monitoring plan was available for review.

Track No: 222477

Resolution Date: June 14 07

30 TAC Chapter 290.42(k)

Alleged Violation:

Investigation: 431981

Comment Date: 11/28/2005

Failure to compile and maintain current a thorough plant operations manual for operator review and reference. This manual should be of sufficient detail to provide the operator with routine maintenance and repair procedures, with protocols to be utilized in the event of a natural or man-made catastrophe, as well as provide telephone numbers of water system personnel, system officials, and local/state/federal agencies to be contacted in the event of an emergency.

Investigation: 560655

Comment Date: 06/06/2007

Failure to compile and maintain current a thorough plant operations manual for operator review and reference.

Recommended Corrective Action: Submit copy of an adequate plant operations manual.

Resolution: On 06/13/2007, Mr. Rory Evans, Public Works Director, submitted a copy of plant operations manual.

Track No: 222478

Resolution Date: June 13 07

30 TAC Chapter 290.46(l)

Alleged Violation:

Investigation: 431981

Comment Date: 11/28/2005

Failure to flush all dead-end and main monthly, or more often if required, to maintain water quality.

Investigation: 560655

Comment Date: 06/06/2007

Failure to flush all dead-end and main monthly, or more often if required, to maintain water quality.

CITY OF BLOOMING GROVE PWS - BLOOMING GROVE

May 24 07 Inv. # - 560655

Page 8 of 10

Recommended Corrective Action: Submit copies of dead-end and main flushing records for December 05, and January, February 06, verifying that lines have been flushed regularly.

Resolution: On the day of the investigation, it was noted that the system has been flushing all dead-end and mains on monthly basis.

Track No: 222483

Resolution Date: June 13 07

30 TAC Chapter 288.20

Alleged Violation:
Investigation: 431981

Comment Date: 11/28/2005

Failure to adapt a drought contingency plan. The system did not have a drought contingency plan available for review at the time of the investigation.

Investigation: 560655

Comment Date: 06/06/2007

Failure to adapt a drought contingency plan.

Recommended Corrective Action: Submit copy of an adequate drought contingency plan.

Resolution: On the day of the investigation, the system have a drought contingency plan available for review.

Track No: 222487

Resolution Date: June 14 07

30 TAC Chapter 290.46(f)(3)

Alleged Violation:
Investigation: 431981

Comment Date: 11/28/2005

Failure to maintain a record of the amount of each chemical used each day. On the day of the investigation, it was noted that the system did not maintaining the records of chlorine used each day.

System that serve 250 or more connections or serve 750 or more people shall maintain a record of each chemical used each day.

Investigation: 560655

Comment Date: 06/06/2007

Failure to maintain a record of the amount of each chemical used each day.

Recommended Corrective Action: Submit copies of monthly operating records for December 05, January and February 06, verifying that the system have been maintaining a records of the amount of each chemical used each day.

Resolution: On the day of the investigation, it was noted that the system were not adding any chlorine/chemical to pretreated drinking water. The system is not required to maintain the chemical usage records at this time.

Track No: 222574

Resolution Date: June 14 07

30 TAC Chapter 290.46(f)(3)(D)(ii)

Alleged Violation:
Investigation: 431981

Comment Date: 11/29/2005

Failure to make available annual pressure, ground and elevated tanks inspection reports available for review at the time of the investigation.

The following record shall be retained for a period of five years after they are no longer in effect:

the results of inspection (as required in subsection(m)(1) of this section) for all water storage and pressure maintenance facilities.

Investigation: 560655

Comment Date: 06/06/2007

CITY OF BLOOMING GROVE PWS - BLOOMING GROVE

May 24 07 Inv. # - 560655

Page 9 of 10

Failure to make available annual pressure, ground and elevated tanks inspection reports available for review at the time of the investigation.

Recommended Corrective Action: Submit copies of recent inspection reports for 3000 gallons pressure tanks, both 50,000 gallons ground storage tanks and 50,000 gallons elevated storage tank.

Resolution: On the day of the investigation, recent inspection reports for 3000 gallons pressure tanks, both 50,000 gallons ground storage tanks and 50,000 gallons elevated storage tank were available for review.

Track No: 222575

Resolution Date: June 13 07

30 TAC Chapter 290.110(b)(4)

Alleged Violation:

Investigation: 431981

Comment Date: 11/29/2005

Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.5 mg/L total chloramine as per agency regulations.

The residual disinfectant concentration in the water within the distribution system shall be at least 0.2 mg/L free chlorine or 0.5 mg/L chloramine.

Investigation: 560655

Comment Date: 06/06/2007

Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.5 mg/L total chloramine as per agency regulations.

Recommended Corrective Action: Submit copy of a minimum of seven chlorine residual readings for seven consecutive days from 600 N. Kerr.

Resolution: At the time of the investigation, it was noted that the system has maintained the residual disinfectant concentration in the far reaches of the distribution system. 1.12 mg/L of total chloramines was recorded at 608 N. Kerr.

Track No: 222578

Resolution Date: June 20 07

30 TAC Chapter 290.46(f)(3)(E)(iv)

30 TAC Chapter 290.46(j)

Alleged Violation:

Investigation: 431981

Comment Date: 11/29/2005

Failure to complete a customer service inspection certification prior to providing continuous water service to new construction, on any existing service when the water purveyor has reason to believe that cross-connections or other unacceptable plumbing practices exist, or after any material improvement, correction, or addition to the private plumbing facilities.

Investigation: 560655

Comment Date: 06/06/2007

Failure to complete a customer service inspection certification prior to providing continuous water service to new construction.

Recommended Corrective Action: Submit copies of completed customer service inspection for the new homes on the system and any other applicable connections.

Resolution: On 06/20/2007, Mr. Rory Evans, Public Works Director, faxed copies of customer service inspection certificates.

Track No: 222579

Resolution Date: June 20 07

30 TAC Chapter 290.44(h)

30 TAC Chapter 290.44(h)(1)(B)(ii)

30 TAC Chapter 290.44(h)(1)(B)(iii)

30 TAC Chapter 290.44(h)(4)(C)

May 24 07 Inv. # - 560655

Page 10 of 10

Alleged Violation:
Investigation: 431981

Comment Date: 11/29/2005

Failure, by the regulated entity, to prohibit water connection to a residence or establishment where an actual or potential contamination or system hazard exists without an air gap separation or an approved backflow prevention assembly between the public water facilities and the actual or potential contamination or system hazard. The City of Blooming Grove has failed to compile complete list for all high health hazard industries and assessment of hazard and selection of assemblies. On the day of investigation, the system did not have a copies of inspection and test reports.

Investigation: 560655

Comment Date: 06/06/2007

Failure to keep record of backflow prevention assembly test report for wastewater treatment plant.

Recommended Corrective Action: Submit verification that the city is adequately maintaining backflow prevention assembly test and maintenance reports prior to providing permanent water service and that all new construction must pass the inspection prior to obtaining permanent water service. Copies of all such inspection and test reports must be obtained and kept on file by the water purveyor. Please submit copies of recent backflow prevention assembly test and maintenance reports.

Resolution: On 06/20/2007, Mr. Rory Evans, Public Works Director, faxed a copy of backflow prevention assembly test and maintenance report for the waste water treatment plant signed by certified tester.


Signed


Environmental Investigator

Date

6/21/07

Signed


Supervisor

Date

7/6/07

Attachments: (in order of final report submittal)

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

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

PUBLIC WATER SYSTEM DATA

Name of System: City of Blooming Grove		CCN Number: P0563		PWS ID: 1750001	
Classification: Not Applicable		Type: Community			
Region Number: 4					
Interconnect with Other PWS:		Yes		Name of PWS I/C: City of Corsicana	
Type I/C:		Airgap/Direct Pressure			
Retail Service Connections:		535		Retail Meters: 535	
Retail Population:		1605			
Wholesale Master Meters:		0		Wholesale Service Connections:	
Wholesale Population:					
Total Well Capacity:		GPM MGD			
Raw Capacity:		GPM MGD			
Total Elevated Storage:		0.05 MG		Total Storage Capacity: 0.150 MG	
Pressure Tank Capacity:		0.003			
Maximum Daily Usage:		Unknown MGD		Date: 09/09/9999	
Average Daily Usage:		Unknown** MGD		Time Period: 09/09/9999to 09/09/9999	
Wholesale Contract:		Yes		Maximum Purchase Rate : 15 MG/Month	
No. of Sample Required:		2		No. of Samples Submitted: 2	
No. of Raw Samples Required:				No. of Raw Samples Submitted:	
Non-Comm Dates of Operation:		09/09/9999 to 09/09/9999			

WATER STORAGE TANKS

Type	Capacity	Material	Location
Pressure Tank	3,000	Steel	Highway 55 (PS#10)
Elevated Storage	50,000 gals	Steel	103 South Walker (PS#2)
Ground Storage	50,000 gals	Steel	103 South Walker (PS#2)
Ground Storage	50,000 gals	Steel	Highway 55 (PS#1)

SERVICE PUMPS

Pump Number	Capacity	Location
1	30 HP (600 GPM)	Highway 55 (PS#1)
2	30 HP (600 GPM)	Highway 55 (PS#1)
3	25 HP (500 GPM)	103 South Walker (PS#2)
4	25 HP (500 GPM)	103 South Walker (PS#2)

SYSTEM CAPACITIES

Pressure Plane Number: 1 Name: Pressure Plane#1

System Capacities			Required	Provided
Well Production	0.6	GPM Conn X 535***	Conn = 321.00	GPM 347.00
Elevated Pressure Storage	100	Gal/Conn X 490	Conn = 49,000	MG 50,000 **
Ground/Total Storage	200	Gal/Conn X 490	Conn = 98,000	MG 100,000**
Service Pump Capacity	2.0	GPM/Conn X 490	Conn = 980.00	GPM 1000.00**
Service Pump Peaking Factor		MDD/1440 X	**	GPM
Tested PSI: 40 Tested CL2: 1.12 Total Location: 608 N. Kerr				

Pressure Plane Number: 2 Name: Pressure Plan#2

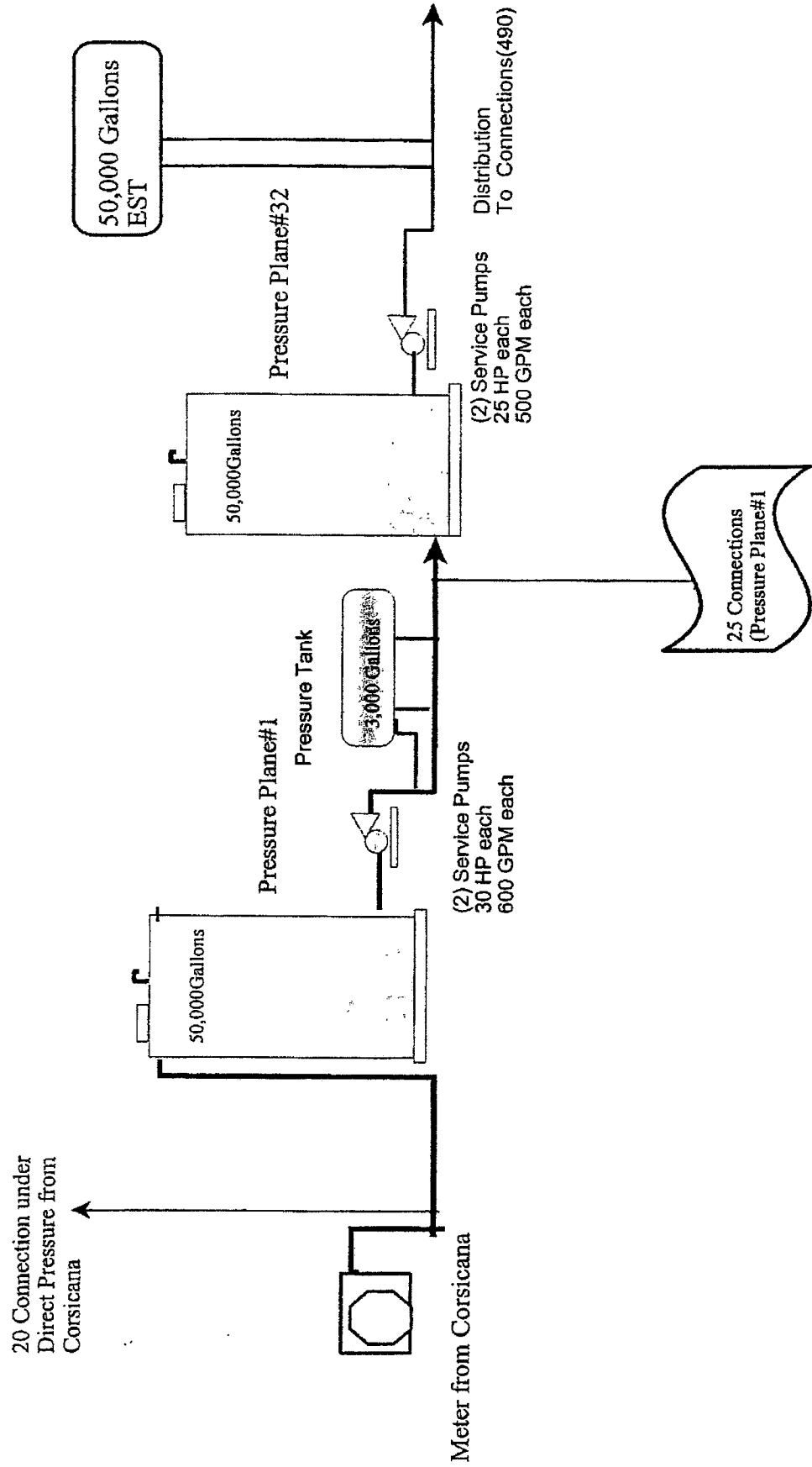
System Capacities			Required	Provided
Well Production		GPM Conn X	Conn =	GPM
Elevated Pressure Storage	20	Gal/Conn X 25	Conn = 500 gals	MG 3000.00
Ground/Total Storage	200	Gal/Conn X 25	Conn = 5000 gals	MG 50,000
Service Pump Capacity	2.0	GPM/Conn X 25	Conn = 50.00	GPM 1200
Service Pump Peaking Factor		MDD/1440 X	**	GPM
Tested PSI: 55 Tested CL2: 1.90 Total Location: 3513 S. Hwy 55				

Pressure Plane Number: 3 Name: Direct Pressure

System Capacities				Required	Provided
Well Production		GPM Conn X		Conn =	GPM
Elevated Pressure Storage	N/A	Gal/Conn X	20	Conn = 0	MG
Ground/Total Storage	N/A	Gal/Conn X	20	Conn = 0	MG
Service Pump Capacity	N/A	GPM/Conn X	20	Conn = 0	GPM
Service Pump Peaking Factor		MDD/1440 X		**	GPM
Tested PSI:	Tested CL2:	Free	Location:		



PWS - SYSTEM FLOW DIAGRAM
Name of System: City of Blooming Grove Additional ID(s): 1750001
Investigation # 560655 Investigation Date: 05/24/2007



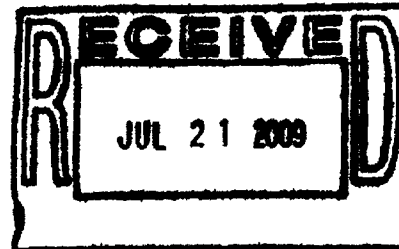
Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 13, 2009

CERTIFIED MAIL Certified #91 3408 2133 3931 4058 3963
RETURN RECEIPT REQUESTED



The Honorable Alva Smith, Mayor
City of Blooming Grove
P.O. Box 237
Blooming Grove, TX 76626

Re: Notice of Violation for the Comprehensive Compliance Investigation at:
City of Blooming Grove Waste Water Treatment Plant, Blooming Grove (Navarro County),
Texas
TCEQ ID No.: WQ0011606-001; EPA ID No.: TX0075418; RN101720654

Dear Mayor Smith:

On May 14, 2009, Ms. Michelle Havelka of the Texas Commission on Environmental Quality (TCEQ) DFW 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. In addition, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by **August 13, 2009** 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. If you would like to obtain a copy of the applicable TCEQ rules, you may contact any of the sources listed in the enclosed brochure entitled "Obtaining TCEQ Rules."

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 violation(s) documented in this notice. Should you choose to do so, you must notify DFW 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 within 21 days from the date of this letter.

Mayor Smith/ City of Blooming Grove

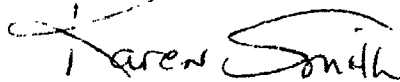
July 13, 2009

Page 2

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 Ms. Michelle Havelka at the DFW Region Office at (817) 588-5800 or directly at (817) 588-5837.

Sincerely,



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

SS:mh

Enclosures: Summary of Investigation Findings
Investigation Sample Results + C O C
Obtaining TCEQ Rules

Summary of Investigation Findings

CITY OF BLOOMING GROVE , NAVARRO COUNTY, Additional ID(s): WQ0011606001 TX0075418	Investigation # 746659 Investigation Date: 05/14/2009
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OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 275667 Compliance Due Date: 08/13/2009

30 TAC Chapter 305.125(5)

30 TAC Chapter 317.4(d)

Alleged Violation:

Investigation: 558752

Comment Date: 05/30/2007

Failure to properly operate and maintain the clarifier and the chlorine contact chamber (CCC). It was noted that the clarifier contained an excessive amount of debris and solids, as well as foam possibly due to grease. Also, it was noted that excessive amounts of solids and debris were noted in the CCC.

Investigation: 686580

Comment Date: 08/03/2008

Failure to properly operate and maintain the clarifier and the chlorine contact chamber (CCC). The City continues to have problems with excessive solids accumulating in the clarifier and flowing over the weirs. Also, it was noted that excessive amounts of solids and debris were noted in the CCC.

Investigation: 746659

Comment Date: 07/09/2009

Failure to conduct operation and maintenance on the clarifier. It was noted that visible solids and foam had accumulated in the outer ring of the clarifier. However, it should also be noted that it is considerably improved since the previous investigation, and no solids were noted in the chlorine contact chamber during this investigation.

Recommended Corrective Action: Submit compliance documentation for the alleged violation to the TCEQ DFW Regional Office by the compliance due date, including a photograph of the clarifier.

Track No: 275769 Compliance Due Date: 08/13/2009

30 TAC Chapter 319.7(a)

30 TAC Chapter 319.7(c)

Alleged Violation:

Investigation: 558752

Comment Date: 05/31/2007

During the investigation, it was noted that the operator was not maintaining proper QC records for the chlorine meter.

Investigation: 686580

Comment Date: 08/03/2008

Failure to maintain calibration records for chlorine analysis. Also, the City is not conducting manganese correction for the total chlorine residual.

Investigation: 746659

Comment Date: 07/12/2009

Failure to maintain calibration records for chlorine analysis and to perform manganese corrections.

Recommended Corrective Action: Submit a copy of the completed QC logs (duplicates of standards) for the chlorine meter and the total chlorine residual readings with manganese correction to the DFW Regional Office by the compliance due date.

PERMIT WQ0011606001, WQ0011606-001

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Alleged Violation:

Investigation: 746659

Comment Date: 07/12/2009

Failure to perform instantaneous flow measurements five times a week as specified in the permit.

Recommended Corrective Action: Submit compliance documentation for the alleged violation to the TCEQ DFW Regional Office by the compliance due date, including a photocopy of the recorded flow records for one month.

**ALLEGED VIOLATION(S) NOTED AND RESOLVED
ASSOCIATED TO A NOTICE OF VIOLATION**

Track No: 275656

30 TAC Chapter 317.4(a)(8)

30 TAC Chapter 317.7(i)

Alleged Violation:

Investigation: 558752

Comment Date: 05/24/2007

Failure to provide a properly installed backflow prevention assembly device at the plant's main potable water service line. During the investigation, the reduced pressure backflow prevention assembly device (RPBA) was located in a water meter box which allowed the relief valve to become submerged. The RPBA must be installed according to the following requirements:

- 1) the relief valve port may not become submerged;
- 2) a minimum of 12 inches to a maximum of 36 inches of clearance below the relief valve;
- 3) 12 inches of clearance behind the meter;
- 4) 24 inches of clearance in front of the meter;
- 5) adequate clearance for inspection and repair above the meter; and,
- 6) adequate clearance to operate valves on the left and right of the meter.

In addition, the RPBA must be tested upon installation and annually thereafter by a licensed backflow prevention device tester. The test and maintenance report form must be retained for a minimum of three years.

Investigation: 686580

Comment Date: 08/05/2008

Failure to have the RPZ backflow prevention device tested annually by a licensed backflow prevention device tester. During the investigation, it was noted that the annual calibration was due on June 19, 2008.

Investigation: 746659

Comment Date: 07/12/2009

Failure to have the RPZ backflow prevention device tested annually by a certified individual.

Recommended Corrective Action: Submit compliance documentation for the alleged violation to the TCEQ DFW Regional Office by the compliance due date, including a photocopy of the completed test and maintenance report conducted by a licensed backflow prevention device tester.

Resolution: During the investigation, it was noted that the RPZ had been calibrated on August 6, 2008, by Corsicana Environmental Services. This violation will be resolved.

Track No: 275749

30 TAC Chapter 305.125(1)

PERMIT WQ0011606001, WQ0011606-001

Provision No. 1 Effluent limitations and monitoring requirements

Alleged Violation:

Investigation: 558752

Comment Date: 05/24/2007

Has the regulated entity abandoned or closed any pit, tank, pond, lagoon, or surface impoundment regulated by the permit and appropriately notified the Executive Director at least 90 days prior to conducting such activity? If yes, has a closure plan been submitted?

During the investigation, it was noted that the City has not addressed the abandoned clarifier at the WWTP. The clarifier has stagnant water and algae growing in it and needs to be pumped out. Also, the City needs to provide plans on the future use of the abandoned clarifier.

INVESTIGATION SAMPLE RESULTS

Regulated Entity Name: Blooming Grove WWTP

Authorization ID(s): WQ0011606-001

Date of Investigation: May 14, 2009

Sampling Location & Parameter	Measured Value	Authorized Limit	Type Sample	COC ID No.	Primary Source of Wastewater or Waste
Outfall 001					Domestic
Flow (MGD)	Not Evaluated	N/A	instantaneous ^{N/A}	N/A	Sewage
CBOD ₅ (mg/L)	<3.0	65	grab	40980-01	"
TSS (mg/L)	3.0	65	grab	"	"
VSS (mg/L)	2.0	N/A	grab	"	"
pH (SU)	7.2	6.0-9.0	grab	"	"
DO (mg/L)	5.1	2.0	grab	"	"
TCI ₂ (mg/L)	2.5	1.0 - 4.0	grab	"	"



Chain of Custody Record

40980

Location:

Permit #:

(Do not fill in this shaded area if the facility information must be confidential)

Region:	Organization #:	PCA Code:	Program:	Sampler telephone number:							
41	04204	04109	WQ	817-588-5837							
E-Mail ID:	Sampler: (signature)			Sampler: (please print clearly)							
mihavelka	Michelle Havelka			MICHELLE HAVELKA							
Lab ID	Sample ID	Date	Time	# of Bottles	Grab/ Comp.	Matrix L,S,M,O,T	CL2	pH	Cond	Analyses Requested	REMARKS
A026643	final -01 EFFL	05/14/09	12:00	1	G7	L	257.2	5.1	DO	BOD ₅ /TSS	
	-02										
	-03										
	-04										
	-05										
	-06										RECEIVED
	-07										JUN 09 2009
	-08										REGION 12
	-09										RECEIVED
	-10										JUN 10 2009
											DFW REGION-4
Relinquished by:	Date	Time	Received by:	Time	For Laboratory Use:						
Michelle Havelka	05/14/09	17:15	FEDEX								
Relinquished by:	Date	Time	Received by:	Time	Received on ice:						
	5/15/09	09:50	H B-d		(Y) N						0.6 deg. C
Relinquished by:	Date	Time	Received by:	Time	Preservatives:						
					Y N						
Relinquished by:	Date	Time	Received by:	Time	COC Seal:						
					(Y) N						
Relinquished by:	Date	Time	Received by:	Time	Seals Intact:						
					(Y) N						
Shipper name:	Shipper Number:										
FEDEX	868938991245										

TC-50-10/95 (11/02)

White (Original) -Lab

Yellow-Lab

Pink-Contract Lab Manager

Goldenrod-Collector: Copy

City of Blooming Grove 200 S. Fordyce Box 237 Blooming Grove, Texas 76626

Chris Ivey - Certified Operator WWTP

Permit ID: 0075418

County: Navarro

Phone: 903-695-2711

TO: TCEQ, attn: Michelle Havelka

OUTSTANDING ALLEGED VIOLATIONS FOLLOW UP AND RESOLUTION FORM

Alleged Violation:

Failure to conduct operation and maintenance on the clarifier. 5/14/09

RESOLUTION:

An aggressive system of screening and skimming has resulted in consistently clear conditions in the clarifier and chlorine contact chamber. PLEASE SEE ATTACHED PHOTOS

Alleged Violation:

Failure to maintain calibration records for the chlorine meter and perform manganese corrections. 5/14/09

RESOLUTION:

Have been calibrating twice weekly since 6/1/09 and making manganese corrections on chlorine residual sampling. PLEASE SEE ATTACHED MONITORING REPORTS

Alleged Violation:

Failure to provide adequate safeguards to prevent discharge of untreated wastewater during power failures. 5/14/09

RESOLUTION:

City still has reserve in place with United Rentals for generator to be supplied in the event of emergency power outage.

City Council has discussed and are currently seeking to purchase backup generators for WWTP and lift stations. We are seeking bids and cost comparisons. Once we have decided on purchase plan, we will submit to TCEQ in writing all updates and capacity information.

Alleged Violation:

Failure to maintain sludge drying beds. 5/14/09

RESOLUTION:

City maintains 4 drying beds. 2 have been cleaned out completely according to TCEQ request and wastes hauled off to landfill via Allied Waste contracted services. These 2 have been returned to operational use. The remaining 2 beds have had vegetation removed and sludge cleaned out. They are in need of additional maintenance and repair before being returned to operational service. PLEASE SEE ATTACHED PHOTOS

Alleged Violation:

Failure to submit annual sludge report for FY2008 5/14/09

RESOLUTION:

Submitted FY2008 sludge report to TCEQ Enforcement division in June 09. Had 0 discharge for the FY2008.

Alleged Violation:

Failure to perform instantaneous flow measurements five times a week as specified in permit. 5/14/09

RESOLUTION:

Have committed to take and record instantaneous flow measurements on daily WWTP log starting 6/1/2009

Comments:

Inspected noted issue with out of service clarifier. This clarifier was taken offline and abandoned when sewer plant was upgraded many years ago (approx. 1992). The old clarifier is not in operation, but does collect rain water. The City Council has approved an additional \$10,000 in our new operating budget (effective October 1st 2009) to rectify this situation. We are currently seeking bids for dismantling and back filling the old clarifier site. (to say demolishing old clarifier and filling in hole with soil) That is option 1. The second option we are entertaining is to see the cost of putting old clarifier back in operation. This may be more of an expense than the city can afford.

If there are any questions or comments to any of the above mentioned items, please contact the City Hall or Chris Ivey.

Thank You.

**CITY OF BLOOMING GROVE'S
APPLICATION TO OBTAIN A WATER AND SEWER
CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)**

ATTACHMENT F

City of Blooming Grove

200 S. Fordyce Blooming Grove, TX 76626

Phone: 903-695-2711

Fax: 903-695-2482

Plant Operations Manual

Water System, Sewer System and Sewer Plant

Alva L. Smith	-	Mayor
Mel Coker	-	Licensed Contractor
Rory Evans	-	Superintendent
Chris Ivey	-	Assistant Superintendent
Marcus Reed	-	Fire Marshall

RECEIVED
JUN 13 2007
DFW REGION-4

Emergency Contact List

Water Emergency	903-695-2711
Sewer Emergency	903-695-2711
Police	911 or 903-695-2711
Fire	911 or 903-695-2711

Non-Emergency Contact List

All other inquires 903-695-2711

Normal Operating Procedures

Upon arriving at each of the Water or Wastewater sites (i.e. lift stations, sewer plant, water tower...) the following items must be performed in conjunction with TCEQ's Rules & Regulations for Public Water System, Chapter § 290.46.

Daily Requirements

1. Perform a visual check of premises for suspicious activity or possible vandalism from the night before. Check for trash or litter and remove if present.
2. Perform a visual check of pumps, tanks, chlorine injection system and other equipment or piping for leaks or problems.
3. Clean bar screen and skim off floating debris on clarifier or detention tank.
4. Wash down bar screen, detention tank and clarifier at sewer plant.
5. Perform a visual check of storage tanks, hatches, locks, levels and system pressure.
6. Record storage tank level and system pressures to daily log.
7. Measure and record to the Daily Log levels in the chlorine (Cl₂) containers and notice if some amount of chlorine (Cl₂) has been used since last entry.
 - a. Visually check chlorine (Cl₂) injector and flow meter.
 - b. Test chlorine (Cl₂) residual at sewer plant to ensure effluent is properly disinfected. Chlorine (Cl₂) levels should be between .5 to 4.0 on free chlorine, if not adjust chlorine (Cl₂) injector and flow meter accordingly.
8. Read and record to the Daily Log meter readings and system usage since last entry.
9. Verify that usage is in normal range for daily usage and system does not appear to have a leak in distribution. Read and record any master meters.
10. Collect one sample from the water distribution system from any location on distribution system and record levels in daily log.
11. Record any distribution flushing to proper date and locations under comments on the Daily Log and Flushing Report form.
12. Record any leak/repair locations with estimated losses during the leak to the Leak Report form.
13. Check safety equipment, fire extinguisher and chlorine (Cl₂) gas breathing apparatus.