

Control Number: 44333



Item Number: 40

Addendum StartPage: 0



HAYTER
ENGINEERING, INC
Planners Surveyors Engineers

RECEIVED
2016 JUL 14 PM 4:03
PUBLIC UTILITY COMMISSION
FILING CLERK

July 13, 2016

Central Records
Public Utility Commission of Texas
1701 N. Congress Avenue
Austin Texas 78711-3326

RE: Docket 44333, City of DeKalb

The following is submitted in response to Order No. 13 for the referenced Docket No.

Staff 1-1 "Please provide a purchase water contract that provides for 0.6 gallons per minute per service connection."

The City is unable to provide a water purchase contract for 0.6 gallons per minute per connection. The City purchases treated water from the Texarkana Water Utilities, under a contract executed in 1969. That contract specifies that the City will receive treated water in an amount not to exceed 153.4 million gallons per year. This amount will not meet the Texas Commission on Environmental Quality (TCEQ) rule for 0.6 gallons per minute per connection, based on our current number of connections.

We are preparing an Alternative Capacity Request to the TCEQ, to possibly alleviate this deficiency. The City has requested an extension of time from the Public Utility Commission for this CCN amendment, to complete the Alternative Capacity Request process.

Staff 1-2 "Please provide correspondence from, and sent to, the Texas Commission on Environmental Quality regarding the outstanding violation for failure to have a purchase water contract that meets the 0.6 gallons per minutes per service connection requirement."

Attached. The most recent notice is March 31, 2015. Since that time, the City has had considerable turnover in its public works department, which has delayed a solution to the 0.6 gpm requirement.

Staff 1-3 "To the extent known, a description of current and projected land uses; and the service connection estimates for the proposed area."

There are no current customers in the area. The existing land use is undeveloped, and may be viewed in the attached aerial map. The projected land use has not been determined, but is likely to include activities that enhance public recreational opportunities in the City.

Staff 1-4 "Please provide development plans or agreements for the proposed area."

At this time, there are no existing development plans or agreements for the area.

Staff 1-5 "Please provide, if any, requests for service received for the area."

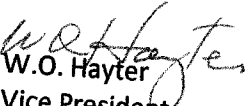
At this time, there are no requests for additional service in the proposed area.

Staff 1-6 "An explanation of the applicant's reasons for contending that the additional area, as requested, is necessary for the service, accommodation, convenience, or safety of the public."

The proposed area was purchased by the City of DeKalb. Because of its location, and relationship to the existing area, the City believes that the site may have future potential for development, possibly including additional public recreation areas. The City has 6" water mains and three fire hydrants in the area, which is an asset to future development. The City of De Kalb provides wastewater service in the contiguous areas, and is the most capable of the two entities to provide water service

The City is better able to provide water service than the Central Bowie County WSC, since this area is at the end of a CBCWSC water main, and they are unable to provide fire flows to the proposed area.

Sincerely,
HAYTER ENGINEERING, INC.


W.O. Hayter
Vice President

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



PWS 90001/CO/01-30-2015/CCI

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 31, 2015

CERTIFIED MAIL 91 7199 9991 7031 8549 5783
RETURN RECEIPT REQUESTED

The Honorable Dennis Wandrey, Mayor
City of De Kalb
110 E. Grizzly St.
De Kalb, TX 75559

Re: Notice of Violation for the Comprehensive Compliance Investigation at:
City of De Kalb Water Supply, located on Grizzly Dr., 1 block S of Front St. in De Kalb
(Bowie Co.), TX., RN101390755, PWS ID: 0190001, Investigation No. 1239747

Dear Mayor Wandrey:

On January 29 and 30, 2015, Mr. Kevin Glanton of the Texas Commission on Environmental Quality (TCEQ) Tyler Regional Office conducted an investigation of the above-referenced system to evaluate compliance with applicable requirements for public water supply systems. Enclosed is a summary which lists the investigation findings. During the investigation, certain outstanding alleged violations were identified for which compliance documentation is required, alleged violations which have been resolved, as well as additional issues.

Please submit a compliance plan by **April 30, 2015**, for the following violations by Track Numbers: **459510, 459514, 564991, 564993, and 564994**. The plan should include the proposed actions to be taken to correct the alleged violation and a schedule for the completion of the corrections. If the violations have already been corrected, please submit compliance documentation, such as a photograph, purchase order, etc., demonstrating what actions were taken.

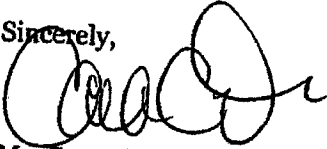
In the listing of the alleged violation(s), we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.texas.gov> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Tyler Region Office at 903-535-5100 or the Central Office Publications Ordering Team at 512-239-0028.

Hon. Dennis Wandrey
March 31, 2015
Page 2

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 Tyler Region 5 Office within 10 days from the date of this letter. At that time, Mr. Ross Morgan, Water Section Manager, 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. Kevin Glanton in the Tyler Region Office at (903) 535-5133.

Sincerely,



Ms. Cara Fisher, Work Leader
Tyler Region Office

CCF/RKG

Enclosures: Summary of Investigation Findings

Summary of Investigation Findings

CITY OF DEKALB

, BOWIE COUNTY,

Additional ID(s): 0190001

Investigation # 1239747

Investigation Date: 01/29/2015

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

Track No: 459510

Compliance Due Date: To Be Determined

30 TAC Chapter 290.46(f)

Alleged Violation:

Investigation: 988930

Comment Date: 02/24/2012

Failure to maintain the public water system's operating records organized, and copies kept on file or stored electronically as follows (the operating records must be accessible for review during inspections): a) the maintenance records for water system equipment and facilities; and b) Date, location, and nature of water quality, pressure or outage complaints and results of any subsequent complaint investigation.

During the investigation on 01/23/2012, the investigator documented by reviewing records and through conversation with the operator that the system failed to: a) maintain adequate maintenance records as discussed below; and b) a complaint log.

The water system should ensure that it maintains records for maintenance on the system regarding line repairs and the applicability and compliance with the special precautions requirements. If the line is repaired under pressure, which is 20 psi or more for the area affected, then the log should include this information, including how the line was repaired and what the pressures were. If the repair is subject to the special precautions requirements as defined below, then documentation demonstrating compliance with either of the special precautions options is required. In addition, documentation should demonstrate that line repairs are completed under the supervision of an adequately licensed operator. The special precautions required in response to an incident where the water main pressure drops below 20 psi and the lines are partially or fully dewatered follows (as listed in the flowchart in 30 TAC 290.47(h)). One of the following two options must be taken.

Option one is to issue a boil water notice (BWN), within 24 hours of the incident, to the customers affected by the incident. Documentation of the BWN must also be submitted to the TCEQ Tyler Region Office. After the pressure is restored, special bacteriological samples, representative of the area affected, shall immediately be taken. Upon receipt of the lab report indicating that the samples are negative for total coliform and e coli, the BWN may be rescinded. Copies of the rescind notice and lab samples shall be submitted to the TCEQ Tyler Region Office. This option does not mean that no effort should be made to flush the lines, if practical.

Option two requires the completion of the following steps: 1) disinfect the lines according to American Water Works Association (AWWA) standards; 2) flush until chlorine residual reaches normal operating levels or until a minimum of two volumes of the affected line is flushed, whichever is greater if the water is not clear after the prescribed flushing, continue to flush until the water is clear; 3) immediately collect bacteriological samples from the affected area and return the area to service; and 4) if bacteriological samples are negative, no further action is necessary, but if they are positive, notify the TCEQ Tyler Region Office for additional instructions.

Investigation: 1002187

Comment Date: 06/19/2012

Failure to maintain the public water system's operating records organized, and copies kept on file or stored electronically as follows (the operating records must be accessible for review during inspections): a) the maintenance records for water system equipment and facilities;

Summary of Investigation Findings

CITY OF DEKALB

Investigation # 1239747
and b) Date, location, and nature of water quality, pressure or outage complaints and results of any subsequent complaint investigation.

During a file record review, correspondence was reviewed which stated that maintenance records and complaint logs had been developed. However, no documentation was included with the correspondence to demonstrate that the violation has been resolved.

A Follow-Up Investigation may be scheduled to evaluate that status of this violation.
Investigation: 1239747

Comment Date: 03/20/2015

Failure to maintain the public water system's operating records organized, and copies kept on file or stored electronically as follows (the operating records must be accessible for review during inspections): a) the maintenance records for water system equipment and facilities; and b) Date, location, and nature of water quality, pressure or outage complaints and results of any subsequent complaint investigation.

During the investigation, conducted between 01/29/2015 and 01/30/2015, this violation still had not been resolved.

Recommended Corrective Action: Please submit a compliance plan by 04/30/2015. The plan should include the proposed actions to be taken to correct the alleged violation and a schedule for the completion of the corrections. If this violation has already been corrected, please submit compliance documentation, photographs, purchase orders, results of analyses, etc. demonstrating what actions were taken.

Track No: 459514 Compliance Due Date: To Be Determined
30 TAC Chapter 290.42(l)

Alleged Violation:

Investigation: 988930

Comment Date: 02/24/2012

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 procedure 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.

During the investigation on 01/23/2012, the investigator documented that the system failed to have a plant operations manual.

Investigation: 1002187

Comment Date: 06/08/2012

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 procedure 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.

During a file record review, correspondence was reviewed which stated that a plant operations manual had been developed. However, no documentation was included with the correspondence to demonstrate that the violation has been resolved.

A Follow-Up Investigation may be scheduled to evaluate that status of this violation.

Investigation: 1239747

Comment Date: 03/20/2015

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 procedure 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.

During the investigation, conducted between 01/29/2015 and 01/30/2015, the investigator documented that the system still did not have a plant operations manual.

Recommended Corrective Action: Please submit a compliance plan by 04/30/2015. The plan should include the proposed actions to be taken to correct the alleged violation and a schedule

Summary of Investigation Findings

CITY OF DEKALB

for the completion of the corrections. If this violation has already been corrected, please submit compliance documentation, photographs, purchase orders, results of analyses, etc. demonstrating what actions were taken. Investigation # 1239747

Track No: 564991

Compliance Due Date: To Be Determined

30 TAC Chapter 290.45(f)

Alleged Violation:

Investigation: 1239747

Comment Date: 03/20/2015

Failure to have a water purchase contract that authorizes the purchase of enough water to meet the monthly or annual needs of the purchaser. The contract shall also establish the maximum rate at which water may be drafted on a daily and hourly basis. In the absence of specific maximum daily or maximum hourly rates in the contract, a uniform purchase rate for the contract period will be used. The maximum authorized daily purchase rate specified in the contract, or a uniform purchase rate in the absence of a specified daily purchase rate, plus the actual production capacity of the system must be at least 0.6 GPM per connection. For systems which purchase water under direct pressure, the maximum hourly purchase authorized by the contract plus the actual service pump capacity of the system must be at least 2.0 GPM per connection or provide at least 1,000 GPM and be able to meet peak hourly demands, whichever is less.

During the investigation, conducted between 01/29/2015 and 01/30/2015, the investigator documented that the purchase water contract, dated 06/24/1969, only provides for 153.4 MG per year or 0.42 MG per day (this equates to 292 GPM), with a provision to provide more if capable. The production requirement is 0.6 GPM per connection, times 945 total connections, which equals 567 GPM.

Recommended Corrective Action: Please submit a compliance plan by 04/30/2015. The plan should include the proposed actions to be taken to correct the alleged violation and a schedule for the completion of the corrections. If this violation has already been corrected, please submit compliance documentation, photographs, purchase orders, results of analyses, etc. demonstrating what actions were taken.

Track No: 564993

Compliance Due Date: To Be Determined

30 TAC Chapter 290.121

Alleged Violation:

Investigation: 1239747

Comment Date: 03/30/2015

Failure to develop and maintain an up to date system monitoring plan. The plan shall identify all bacteriological and chemical locations, describe the sampling frequency, and specify the analytical procedures and laboratories to be used to comply with monitoring requirements. The completed plan must be retained at each water plant, and made available for review during succeeding investigations.

During the investigation, conducted between 01/29/2015 and 01/30/2015, the investigator documented that the system failed to maintain an up to date system monitoring plan. The plan needs updating in order to have the new coliform sampling sites: 1) Runnels, 2) Rolling Hills, 3) E Front, 4) Dotson, and 5) Rutherford & Grizzly.

Recommended Corrective Action: Please submit a compliance plan by 04/30/2015. The plan should include the proposed actions to be taken to correct the alleged violation and a schedule for the completion of the corrections. If this violation has already been corrected, please submit compliance documentation, photographs, purchase orders, results of analyses, etc. demonstrating what actions were taken.

Track No: 564994

Compliance Due Date: To Be Determined

30 TAC Chapter 290.110(c)

Alleged Violation:

CITY OF DEKALB

Investigation: 1239747

Investigation # 1239747

Comment Date: 03/20/2015

Failure to collect disinfectant residual tests at representative sites specified in the system's monitoring plan.

During the investigation, conducted between 01/29/2015 and 01/30/2015, the investigator documented that the system failed to collect and document daily disinfectant residual tests at the same locations as the coliform sampling sites (see RG-384). Also, the system must review the 06/15/2009 letter from TCEQ which provided additional conditions for the continued use of chloramines. These include monitoring free ammonia and monochloramine in addition to free and total chlorine (see table on page two for frequencies required). During the investigation, it appeared that this requirement was not fully adhered to.

Recommended Corrective Action: Please submit a compliance plan by 04/30/2015. The plan should include the proposed actions to be taken to correct the alleged violation and a schedule for the completion of the corrections. If this violation has already been corrected, please submit compliance documentation, photographs, purchase orders, results of analyses, etc. demonstrating what actions were taken.

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

Track No: 459511

30 TAC Chapter 290.46(j)

Alleged Violation:

Investigation: 988930

Comment Date: 02/24/2012

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 water distribution facilities.

During the investigation on 01/23/2012, the investigator documented that the system failed to make available for inspection documentation of complete customer service inspections (CSI) on new construction or on existing service where a potential hazard may exist. The investigator asked to review copies, and the operator could not provide any for inspection. The operator stated that there had been new construction within the past 10 years. An alternative to conducting customer service inspections is to adopt a plumbing code ordinance and conduct plumbing inspections with a licensed plumbing inspector.

Investigation: 1002187

Comment Date: 06/08/2012

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 water distribution facilities.

During a file record review, correspondence was reviewed which stated that an individual from another water system with a CSI license would complete CSIs for new construction and when meters are changed out. However, no documentation was included with the correspondence to demonstrate that the violation has been resolved.

A Follow-Up Investigation may be scheduled to evaluate that status of this violation.

Investigation: 1239747

Comment Date: 03/19/2015

Please see violation comments.

Resolution: During the investigation, CSI forms were reviewed which demonstrates that this violation has been resolved.

Track No: 459513

Summary of Investigation Findings

Alleged Violation:

Investigation: 988930

Comment Date: 02/24/2012

Failure to have all backflow prevention assemblies tested upon installation by a recognized backflow prevention assembly tester and certified to be operating within specifications. Backflow prevention assemblies which are installed to provide protection against health hazards must also be tested and certified to be operating within specifications at least annually by a recognized backflow prevention assembly tester.

During the investigation on 01/23/2012, the investigator documented that the system failed to systematically require that backflow prevention assemblies, which are installed to provide protection against health hazards, be tested annually. The system should have a systematic way of communicating to each customer that has such assemblies that the annual test must be completed with related conditions for receiving the completed test report.

Investigation: 1002187

Comment Date: 06/08/2012

During the investigation on 01/23/2012, the investigator documented that the system failed to systematically require that backflow prevention assemblies, which are installed to provide protection against health hazards, be tested annually. The system should have a systematic way of communicating to each customer that has such assemblies that the annual test must be completed with related conditions for receiving the completed test report.

During a file record review, correspondence was reviewed which stated that some devices had been tested. However, no documentation was included with the correspondence to demonstrate that the violation has been resolved.

A Follow-Up Investigation may be scheduled to evaluate that status of this violation.

Investigation: 1239747

Comment Date: 03/20/2015

Please see violation comments.

Resolution: During the investigation backflow assembly test reports were reviewed, which demonstrated that this violation has been resolved.

Track No: 564989

30 TAC Chapter 290.46(d)(2)

Alleged Violation:

Investigation: 1239747

Comment Date: 03/20/2015

Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 mg/L free chlorine or 0.5 mg/L of total chlorine as per agency regulations. Field tests conducted during this survey revealed that these levels are not being maintained throughout the system. As a result of these tests, the system must inject enough chlorine to achieve breakpoint chlorination.

During the investigation, conducted between 01/29/2015 and 01/30/2015, the investigator observed that the system failed to maintain a minimum disinfection level of 0.5 mg/L total chlorine or 0.2 mg/L free chlorine at the fire hydrant located at corner of Beck and Mill Streets. The residual was only 0.04 mg/L of total chlorine after flushing about five minutes and only 0.22 mg/L at 3:10 PM on 01/29/2015 after flushing the fire hydrant for several minutes.

Resolution: On 01/30/2015, the investigator documented that the residual was 0.85 mg/L at 2:18 PM.

ADDITIONAL ISSUES

Description

Additional Comments


During the investigation the water from a fire hydrant at the intersection of West and Fannin Streets had about 70 color units even after flushing for over 15 minutes (it is noted that the water had an adequate disinfectant residual). The system should identify the cause of such colored water and take efforts to mitigate it, which could require increased flushing. If flushing does not resolve it, other actions should be evaluated.

ACCOUNT TYPE AND NO. PWS ID # 0190001
 FACILITY NAME: City of De Kalb

Texas Commission on Environmental Quality (TCEQ)
 Austin, Texas

FOD/REGION 5 TYLER DIVISION/REGION
PWS Section

Acknowledgment of receipt of TCEQ NOV letter issued after the Comprehensive Compliance Investigation conducted on **January 29 and 30, 2015.**

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature </p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>The Honorable DENNIS Wandaey Mayor City of De Kalb 110 E. GRIZZLY ST. De Kalb, TX. 75559</p>		<p>B. Received by (Printed Name) Paula Booth</p>	<p>C. Date of Delivery 1/29/15</p>
		<p>D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>2. Article Number (Transfer from service label)</p>		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail* <input type="checkbox"/> Priority Mail Express <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>PS Form 3811, July 2013</p>		<p>91 7199 9991 7031 8549 5783</p> <p>Domestic Return Receipt</p>	

CITY OF DE KALB

THE FRIENDLY CITY

DENNIS WANDREY
Mayor

ABBI KRUEGER CAPPS
City Administrator

110 E. Grizzly Drive
De Kalb, Texas 75559-1800
Phone 903-667-2410
Fax 903-667-2689

Mr. Glanton

We have implemented a filing system that requires the files concerning the water system be electronically scanned and the hard copies are kept in a binder. We have this system in place to correct the violation that concerns the water systems operating records

An O & M manual for the operations of the water system has been completed and is attached.

The testing points work sheet for the month has been modified and testing is done every day of the week.

We have increased the flushing on West and Fannin St to Monday and Thursday. This has helped with the coloration. We have also increased flushing on Beck and Mills to Monday and Thursday. The CL2 residual is better in this area.

Texarkana Water Utilities is working on getting an updated water contract, as soon as they give it to us we will provide it.

A letter from Texarkana Water Utilities is included in this fax concerning the 567 GPM. They are helping us obtain a variance.

If you have any question please let us know.

Buddy Massey

Buddy Massey
Water System Operator

faxed & emailed 4-29-15

