

Control Number: 44820



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DOCKET NO. 44820

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PUBLIC UTILITY COMMISSION
FILING CLERK

APPLICATION OF CITY OF
HACKBERRY FOR A SEWER
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN DENTON
COUNTY

§ PUBLIC UTILITY COMMISSION
§
§
§ OF TEXAS

**THE CITY OF HACKBERRY'S SUPPLEMENTAL RESPONSE
TO COMMISSION STAFF'S
FIRST REQUEST FOR INFORMATION**

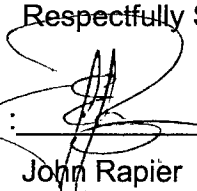
COMES NOW the City of Hackberry, Texas (the "Applicant") and files this its Supplemental Response to Commission Staff's First Request for Information, and submits supplemental information to the Staff's request for information:

"c. The wastewater system received an Agreed Order from TCEQ's Enforcement Division, signed on 4/8/2016. Provide documentation from TCEQ that verifies these violations have been corrected and the system is now in compliance."

Supplemental Response: A letter from the TCEQ dated September 9, 2016 stating that the City of Hackberry has fulfilled the technical requirements and has paid the administrative penalty assessed in the TCEQ's Agreed Order, dated April 8, 2016. The September 9, 2016 letter is attached as Exhibit A to the Supporting Affidavit of Brenda Lewallen, the Applicant's City Administrator and City Secretary.

Respectfully Submitted,

By :


John Rapier
State Bar No. 16550500

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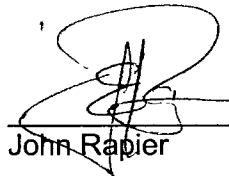
Gay, McCall, Isaacks & Roberts, P.C.
777 E. 15th Street
Plano, Texas 75074
Tel (972) 424-8501
Fax (972) 422-9322
jrapier@gmigr.com
Attorney for Applicant,
the City of Hackberry, Texas

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on the following parties of record on September 20, 2016, in accordance with 16 TAC § 22.74.

Via electronic mail - douglas.brown@puc.texas.gov

Douglas M. Brown
Attorney-Legal Division
Public Utilities Commission of Texas
1701 N. Congress Avenue
P. O. Box 13326
Austin, Texas 78711-3326




John Rapier

SUPPORTING AFFIDAVIT OF BRENDA LEWALLEN

BEFORE ME, the undersigned authority, personally appeared Brenda Lewallen, City Administrator for the City of Hackberry, Texas, who upon her oath, deposed and stated the following:

1. "My name is Brenda Lewallen and I am the City Administrator and the City Secretary for the City of Hackberry, Texas (the "City"). I am over the age of eighteen. I have not been convicted of a felony or a misdemeanor involving moral turpitude. I have personal knowledge of the facts set forth below and am authorized to make this affidavit.
2. The facts stated in the foregoing Supplemental Response are true and correct.
3. The documents contained in Exhibit A attached to this Supporting Affidavit are kept by the City in the regular course of business. It was the regular course of business of the City for an employee or representative of the City, with knowledge of the act, event, condition, opinion, or diagnosis recorded to make the record or transmit information thereof to be included in such record. The record was made at or near the time of the act, event, condition, or diagnosis or reasonably soon thereafter. Each record attached hereto is the original, or an exact duplicate of the original, that it purports to be.


Brenda Lewallen, City Administrator
City of Hackberry, Texas

STATE OF TEXAS §
COUNTY OF COLLIN §

Subscribed before me on September 20, 2016, by Brenda Lewallen.



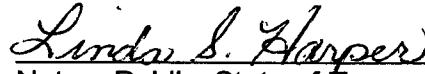

Notary Public, State of Texas

Exhibit A
to the
Supporting Affidavit of
Brenda Lewallen

Bryan W. Shaw, Ph.D., P.E., Chairman
Toby Baker, Commissioner
Jon Niemann, Commissioner
Richard A. Hyde, P.E., Executive Director



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 9, 2016

The Honorable Ronald Austin
Mayor of Hackberry
119 Maxwell Road No. B7
Frisco, Texas 75034-9112

Re: Notice of Compliance with Agreed Order
City of Hackberry; RN102077054
Docket No. 2015-0099-MWD-E; Enforcement Case No. 49944

Dear Mayor Austin:

This letter is to inform you that a review of Texas Commission on Environmental Quality (TCEQ) records concerning the above-referenced enforcement matter indicates that the City of Hackberry has fulfilled the requirements of the Agreed Order effective on April 8, 2016. Specifically, the City of Hackberry has fulfilled the technical requirements and has paid the administrative penalty assessed in the Agreed Order. Based upon this, we conclude that your response has been satisfactory and no further action is necessary at this time with respect to this enforcement matter. The Order will remain on the compliance history for this regulated entity for five years from the effective date of the Order.

We appreciate your cooperation, and if we can be of any further assistance, please contact Mr. Christopher Moreno at (512)239-2618.

Sincerely,

A handwritten signature in black ink, appearing to read "Lanae", is located below the "Sincerely," text.

Lanae Foard, Work Leader
Enforcement Division

cc: Ms. Connie Fluharty, DFW Manager, USW Utility Group dba US Water Services Corporation; P.O. Box 1216, Bridgeport, Texas 76426

MWD_WQ0013434001_CP_201600511_Enforcement
Texas Commission on Environmental Quality
Investigation Report

The TCEQ is committed to accessibility. If you need assistance in accessing this document, please contact oce@tceq.texas.gov

Customer: City of Hackberry
Customer Number: CN601574031

Regulated Entity Name: CITY OF HACKBERRY

Regulated Entity Number: RN102077054

Investigation # 1331338

Incident Numbers

Investigator: CHRISTOPHER MORENO

Site Classification DOMESTIC MINOR

Conducted: 05/11/2016 -- 05/11/2016

NAIC Code: 221320

SIC Code: 4952

Program(s): WASTEWATER

Investigation Type: Compliance Invest File Review

Location:

Additional ID(s): WQ0013434001
TX0103276

Address: 119 MAXWELL RD,
FRISCO, TX, 75034

Local Unit:
Activity Type(s):

Principal(s):

Role	Name
RESPONDENT	CITY OF HACKBERRY

Contact(s):

Role	Title	Name	Phone
REGULATED ENTITY MAIL CONTACT	MAYOR	HON RONALD AUSTIN	Work (972) 292-3223
REGULATED ENTITY CONTACT	DFW MANAGER	MS CONNIE FLUHARTY	Cell (940) 393-5590 Work (940) 393-5590

Other Staff Member(s):

Role	Name
Supervisor	LANAE FOARD

Associated Check List

<u>Checklist Name</u>	<u>Unit Name</u>
COMPLIANCE WITH RESOLUTION RECORD REVIEW	2015-0099-MWD-E

Investigation Comments:

Investigation to resolve violations associated to Agreed Order Docket No. 2015-0099-MWD-E. The penalty has been paid. Documentation demonstrating compliance with the technical requirements and signed certification have been submitted by the Respondent. The enforcement file will be closed and the Respondent will be sent a

Notice of Compliance.

ALLEGED VIOLATION(S) NOTED AND RESOLVED

Track Number: 559124

Resolution Status Date: 5/12/2016

Violation Start Date: 12/31/2013

Violation End Date: 5/9/2016

30 TAC Chapter 305.125(1)

30 TAC Chapter 319.1

PERMIT WQ0013434001, Monit. & Report. Req. No. 1

Monitoring and Reporting Requirements No. 1

PERMIT WQ0013434001, Monitoring & Reporting Reqs. No. 1

Alleged Violation:

Investigation: 1221682

Comment Date: 01/23/2015

Failure to submit a complete discharge monitoring report ("DMR") for the monitoring period ending December 31, 2013. Specifically, the DMR did not include analytical results for total suspended solids daily average loading and concentration and maximum single grab.

Investigation: 1331338

Comment Date: 05/12/2016

Failure to timely submit a complete DMR for the monitoring period ending December 31, 2013. Specifically, the DMR did not include total suspended solids daily average loading and concentration and maximum single grab results.

Resolution: Documentation demonstrating compliance was received 05/09/2016. Specifically, a copy of the Standard Operating Procedures for completing and submitting DMRs and annual sludge reports were received.

Track Number: 559139

Resolution Status Date: 5/12/2016

Violation Start Date: 7/31/2014

Violation End Date: 5/9/2016

30 TAC Chapter 305.125(1)

PERMIT WQ0013434001, Sludge Provisions

Sludge Provisions

PERMIT WQ0013434001, Sludge Provisions

Alleged Violation:

Investigation: 1221682

Comment Date: 01/21/2015

Failure to submit a complete sludge report for the monitoring period ending July 31, 2014 by September 30, 2014. Specifically, the sewage sludge for production and use ("SLDP") DMR for the 2014 sludge report was lacking polychlorinated biphenyls and toxic characteristic leaching procedure data.

Investigation: 1331338

Comment Date: 05/12/2016

Failure to timely submit a complete sludge report for the monitoring period ending July 31, 2014 by September 30, 2014. Specifically, the sewage sludge for production and use ("SLDP") DMR for the 2014 sludge report was lacking polychlorinated biphenyls and toxic characteristic leaching procedure results.

Resolution: Documentation demonstrating compliance was received 05/09/2016. Specifically, a copy of the Standard Operating Procedures for completing and submitting DMRs and annual sludge reports were received.

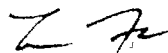
Signed


Environmental Investigator

Date

05-12-2016

Signed



Supervisor

Date

9/2/16

Attachments: (in order of final report submittal)

___ Enforcement Action Request (EAR)

___ Maps, Plans, Sketches

☒ Letter to Facility (specify type) : NOL

___ Photographs

___ Investigation Report

___ Correspondence from the facility

___ Sample Analysis Results

☒ Other (specify) :

___ Manifests

Compliance Investigation

___ Notice of Registration