

Control Number: 44892



Item Number: 28

Addendum StartPage: 0

DOCKET NO. 44892

**APPLICATION OF CITY OF
LUBBOCK TO AMEND A
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN LUBBOCK
COUNTY**

§
§
§
§
§

PUBLIC UTILITY COMMISSION

OF TEXAS

RECEIVED
2016 JUL 15 AM 9:18
PUBLIC UTILITY COMMISSION
FILING CLERK

**COMMISSION STAFF'S FIRST REQUEST FOR
INFORMATION TO CITY OF LUBBOCK (CITY)
QUESTION NO. STAFF 1-1**

Pursuant to 16 Tex. Admin. Code (TAC) § 22.144, the Staff of the Public Utility Commission of Texas (Staff) requests that the City of Lubbock (City) by and through its attorneys of record, provide the following information and answer the following question(s) under oath. The question(s) shall be answered in sufficient detail to fully present all of the relevant facts, within the time limit provided by the Presiding Officer or within 20 days, if the Presiding Officer has not provided a time limit. Please copy the question immediately above the answer to each question. These question(s) are continuing in nature, and if there is a relevant change in circumstances, submit an amended answer, under oath, as a supplement to your original answer. State the name of the witness in this cause who will sponsor the answer to the question and can vouch for the truth of the answer.

Provide an original and three copies of your answers to the questions to the Filing Clerk, Public Utility Commission of Texas, 1701 N. Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326.


Dated: July 15, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney

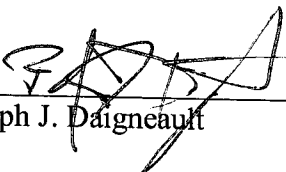


Ralph J. Daigneault
State Bar No. 24040755
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7348
(512) 936-7268 (facsimile)

DOCKET NO. 44892

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on July 15, 2016, in accordance with 16 TAC § 22.74.



Ralph J. Daigneault

DOCKET NO. 44892

**COMMISSION STAFF'S FIRST REQUEST FOR
INFORMATION TO CITY OF LUBBOCK (CITY)
QUESTION NO. STAFF 1-1**

DEFINITIONS

- 1) "City", "the Company" or "you" refers to the City of Lubbock and any person acting or purporting to act on their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons.
- 2) "Document" includes any written, recorded, or graphic matter, however produced or reproduced, including but not limited to correspondence, telegrams, contracts, agreements, notes in any form, memoranda, diaries, voice recording tapes, microfilms, pictures, computer media, work papers, calendars, minutes of meetings or other writings or graphic matter, including copies containing marginal notes or variations of any of the foregoing, now or previously in your possession. In the event any documents requested by this Request for Information have been transferred beyond the Company's control, describe the circumstances under which the document was destroyed or transferred and provide an exact citation to the subject document. In the event that documents containing the exact information do not exist, but documents do exist which contain portions of the required information or which contain substantially similar information, then the definition of "documents" shall include the documents which do not exist and these documents will be provided.

DOCKET NO. 44892

**COMMISSION STAFF'S FIRST REQUEST FOR
INFORMATION TO CITY OF LUBBOCK (CITY)
QUESTION NO. STAFF 1-1**

INSTRUCTIONS

- 1) Pursuant to 16 TAC § 22.144(c)(2), Staff requests that answers to the requests for information be made under oath.
- 2) Please copy the question immediately above the answer to each question. State the name of the witness in this cause who will sponsor the answer to the question and can vouch for the truth of the answer.
- 3) These questions are continuing in nature, and if there is a relevant change in circumstances, submit an amended answer, under oath, as a supplement to your original answer.
- 4) Words used in the plural shall also be taken to mean and include the singular. Words used in the singular shall also be taken to mean and include the plural.
- 5) The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.
- 6) If any document is withheld under any claim of privilege, please furnish a list identifying each document for which a privilege is claimed, together with the following information: date, sender, recipients or copies, subject matter of the document, and the basis upon which such privilege is claimed.
- 7) Pursuant to 16 TAC § 22.144(g)(4), if the response to any request is voluminous, please provide a detailed index of the voluminous material.
- 8) Staff requests that each item of information be made available as it is completed, rather than upon completion of all information requested.

DOCKET NO. 44892

**COMMISSION STAFF'S FIRST REQUEST FOR
INFORMATION TO CITY OF LUBBOCK (CITY)
QUESTION NO. STAFF 1-1**

Staff 1-1 Please provide an explanation of how each of these compliance violations and Enforcement cases were resolved or how the City is working towards resolution.

WATER SYSTEM

NOV Date	Citation Requirement Provision	Allegation
6/24/2016	30 TAC Chapter 290, SubChapter D 290.46(s)(1) (Not applicable to CH)	Failure to calibrate all flow-measuring devices, rate-of-flow controllers, and well meters.
6/24/2016	30 TAC Chapter 290, SubChapter D 290.44(d)(2) (Not applicable to CH)	Failure to obtain an exception to utilize booster pumps taking suction from distribution.

WASTEWATER

NOV Date	Citation Requirement Provision	Allegation
4/15/2016	30 TAC Chapter 335, SubChapter A 335.4 ; 30 TAC Chapter 335, SubChapter A 335.5 ; 30 TAC Chapter 335, SubChapter A 335.6(a)	Failure to notify the TCEQ prior to storage, processing, or disposal of industrial solid waste (cattle carcasses) or provide for the proper collection, handling, storage, processing, or disposal of industrial solid waste (cattle carcasses) at the Hancock Land Application Site (HLAS).
4/15/2016	30 TAC Chapter 305, SubChapter F 305.125(5) ; PERMIT Operational Requirement 1.	Failure to maintain the Southeast Water Reclamation Plant (SEWRP) Plant 3 clarifiers in regards to the sludge rake and accumulations of sludge/scum, as required by Operational Requirement 1 of Permit No. WQ0010353002.
3/31/16, 2/29/16, 1/31/16, 12/31/15, 11/30/15, 9/30/15, 8/31/15, 7/31/15, 4/30/15, 3/31/15, 2/28/15, 1/31/15, 12/31/14, 11/30/14, 10/31/14, 2/28/14, 1/31/14, 6/30/13, 5/31/13, 4/30/13, 3/31/13, 1/4/13, 6/30/12, 5/31/12, 4/30/12, 3/31/12, 2/29/12, 1/31/12, 12/31/11, 11/30/11, 10/31/11, 7/31/11, 6/30/11, 4/30/11, 3/31/11, 2/28/11, 1/31/11, 12/31/10, 11/30/10, 10/31/10, 9/30/10	2D TWC Chapter 26, SubChapter A 26.121(a) ; 30 TAC Chapter 305, SubChapter F 305.125(1)	Failure to meet the limit for one or more permit parameter

COMPLIANCE AGREEMENT

Effective Date	Citation/Requirement Provision	Violation Allegation
5/12/2016	2D TWC Chapter 26, SubChapter A 26.121(a)(1) ; PERMIT Permit Condition 2.g. (Not applicable to CH)	Failed to prevent the unauthorized discharge of wastewater. Specifically, the City has reported 21 unauthorized discharges during the period between July 2014 and June 2015. The majority of these discharges were due to grease and root blockages and infiltration/inflow impacts on the system.

ADMINISTRATIVE ORDER

Effective Date	Docket Number	Citation/Requirement Provision	Violation Allegation
2/4/2016	<u>2015-0599-MWD-E</u>	2D TWC Chapter 26, SubChapter A 26.121(a)(1) ; 30 TAC Chapter 305, SubChapter F 305.125(1) ; PERMIT Effluent Limits (Not applicable to CH)	Failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE §26.121(a)(1), 30 TEX. ADMIN. CODE §305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010353002, Effluent Limitations and Monitoring Requirements No. 1.
11/30/2012	<u>2012-1903-MWD-E</u>	TWC Chapter 26 26.121 (Not applicable to CH)	Failure to operate and maintain the permitted facility within the terms and condition of Permit No. 10353-002.