



Control Number: 44892



Item Number: 33

Addendum StartPage: 0

RECEIVED

PUC DOCKET NO. 44892

2016 OCT 14 PM 1:15

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

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§

PUBLIC UTILITY COMMISSION
PUBLIC UTILITY COMMISSION
FILING CLERK
OF TEXAS

CITY OF LUBBOCK
SUPPLEMENTAL RESPONSE TO COMMISSION STAFF'S
FIRST REQUEST FOR INFORMATION TO CITY OF LUBBOCK
QUESTION NO. STAFF 1-1

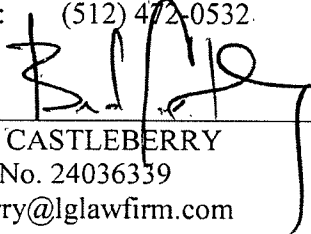
Pursuant to 16 Tex. Admin. Code § 22.144(i), comes now the City of Lubbock (the "City" or "Lubbock"), by and through its undersigned attorneys of record, and files this Supplemental Response to the Public Utility Commission ("Commission") Staff's First Request for Information to City of Lubbock Question No. Staff 1-1. This response may be treated by all parties as if it was filed under oath.

Dated October 14, 2016

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE
& TOWNSEND, P.C.**

816 Congress Avenue, Suite 1900
Austin, Texas 78701
Telephone: (512) 322-5800
Facsimile: (512) 472-0532



BRAD B. CASTLEBERRY
State Bar No. 24036339
bcastleberry@lglawfirm.com

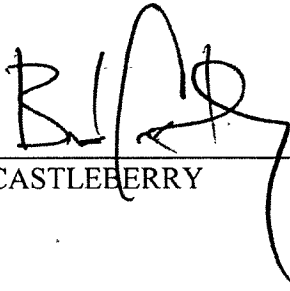
ASHLEIGH K. ACEVEDO
State Bar No. 24097273
aacevedo@lglawfirm.com

**ATTORNEYS FOR APPLICANT
CITY OF LUBBOCK**

CERTIFICATE OF SERVICE

I certify that a copy of this document was served on all parties of record on October 14, 2016, in accordance with 16 Tex. Admin. Code § 22.74.

Ralph J. Daigneault
Attorney, Legal Division
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
Ralph.Daigneault@puc.texas.gov



BRAD B. CASTLEBERRY

PUC DOCKET NO. 44892

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

QUESTION NO. 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.

RESPONSE:

Please see the information provided in the column below titled "Status / Resolution."

WATER SYSTEM			
NOV Date	Citation / Requirement Provision	Allegation	Status / Resolution
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.	<p>Response (08/04/2016): To resolve the violation relating to Pump Station # 12, the City and TCEQ Region 2 scheduled a second violation review meeting for Monday, August 8, 2016.</p> <p>Supplemental Response: A meeting between the City and TCEQ Region 2 was held on August 8, 2016 to discuss the violation relating to Pump Station #12. TCEQ notified the City on August 25, 2016, that it must submit a request for an exception to requirement 30 TAC § 290.44(d)(2) to the TCEQ Technical Review and Oversight Team no later than October 24, 2016. A copy of the TCEQ letter is attached hereto as Exhibit 1.</p> <p>On October 12, the City filed a request for a variance for Pump Station # 12 with TCEQ. A copy of that request is attached hereto as Exhibit 2.</p> <p>Prepared by: Aubrey Spear Sponsored by Aubrey Spear</p>

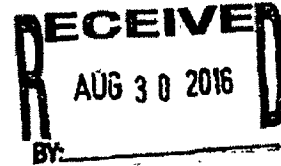
WASTEWATER			
NOV Date	Citation / Requirement Provision	Allegation	Status / Resolution
4/15/2016	30 TAC Chapter 335, Subchapter A 335.4; 30 TAC Chapter 335, Subchapter A 335.5; 30 TAC Chapter 335, Subchapter A 335.6(a)	Failure to notify the TCEQ prior to storage, processing, or disposal of industrial 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).	<p>Response (08/04/2016): The cattle carcasses were buried on the site on March 5, 2015. Additionally, the City is currently preparing documents for recordation in Lynn County that will provide the requisite notification to TCEQ under 30 Tex. Admin. Code § 335.6 for the disposal of cattle carcasses on the City's property. The City anticipates recording these documents the week of August 8, 2016.</p> <p>Supplemental Response: To resolve the lack of notice, the City filed an Affidavit to the Public (the "Affidavit") with the Lynn County Clerk on August 25, 2016. On September 9, 2016, the City provided a copy of the recorded Affidavit to TCEQ Region 2 and to the TCEQ Industrial Wastewater and Hazardous Waste Permits Section. Attached hereto as Exhibit 3 is the City's correspondence to TCEQ.</p> <p>In addition, TCEQ Region 2 notified the City on September 23, 2016, that it had received adequate corrective action documentation to resolve the remaining alleged violations and that no further action was required. Attached hereto as Exhibit 4 is a copy of that letter.</p> <p>Prepared by: Aubrey Spear Sponsored by: Aubrey Spear</p>
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.	<p>Response (08/04/2016): The skimmer arm for each of the Plant 3 clarifiers are currently being repaired and rehabilitated. Pictures of the repairs will be provided to TCEQ Region 2 upon completion of the repairs.</p> <p>Supplemental Response: The skimmer arm for each of the Plant 3 clarifiers have been repaired and rehabilitated. Pictures of the repairs were provided to TCEQ Region 2 in its September 9, 2016 correspondence, a copy of which is attached hereto as the previously referenced Exhibit 3.</p>

WASTEWATER			
NOV Date	Citation / Requirement Provision	Allegation	Status / Resolution
			<p>In addition, TCEQ Region 2 notified the City on September 23, 2016, that it had received adequate corrective action documentation to resolve the remaining alleged violations and that no further action was required. Attached hereto is a copy of that letter, previously referenced as Exhibit 4.</p> <p>Prepared by: Aubrey Spear Sponsored by: Aubrey Spear</p>

Exhibit 1

TCEQ Letter to City dated August 25, 2016

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

August 25, 2016

CERTIFIED MAIL 7014 0150 0001 5500 8421
RETURN RECEIPT REQUESTED

The Honorable Daniel M. Pope, Mayor
City of Lubbock,
P. O. Box 2000
Lubbock, Texas 79454-2000

Re: Regional Director Consideration of Violations (Violation Review Meeting [VRM])
Lubbock Public Water System, 6001 N. Guava Ave., Lubbock (Lubbock County), Texas
RN101248722, TCEQ Additional ID: 1520002

Dear Mayor Pope:

Thank you for meeting with Texas Commission on Environmental Quality Region 2 on August 8, 2016 to review the alleged violation issued in a Notice of Violation ("NOV") letter dated June 24, 2016. ~~After reviewing the information you provided, we have determined that alleged violation~~ No. 1324540 contained in the Summary of Investigation Findings will remain. Additional information presented was not adequate to demonstrate that an exception request was submitted and obtained after the construction of Pump Station No. 12. As a reminder, this alleged violation pertains only to Pump Station No. 12 as determined during the previous VRM conducted on July 13, 2106.

Please be aware the City Lubbock is required to adhere to the compliance schedule included in the Summary of Investigation Findings. Failure to do so may result in formal enforcement action.

To request further review of alleged violation No. 1324540 in the June 24, 2016 NOV referenced above, you must contact the North Central and West Texas Area Director at (806) 796-7092 within 7 days from the date of this letter. We appreciate your cooperation in this matter. Should you have any questions about the determination in this letter, you may contact me at (806) 796-7092.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Shipp".

Gary Shipp, Regional Director
Lubbock Region Office
Texas Commission on Environmental Quality

cc: Mr. Aubrey Spear, Director of Water Utilities, P.O. Box 2000, Lubbock, TX794457-2000
Randy J. Ammons, Area Director, NC & WT Area, TCEQ
Jay Keith, Air/Waste/Water Section Manager, Lubbock Region Office, TCEQ

TCEQ Region 2 • 5012 50th St., Ste 100 • Lubbock, Texas 79414-3426 • 806-796-7092 • Fax 806-796-7107

Austin Headquarters: 512-239-1000 • tceq.texas.gov • How is our customer service? tceq.texas.gov/customer/survey

updated on 08/25/2016 10:00 AM

Summary of Investigation Findings

LUBBOCK PUBLIC WATER SYSTEM

6001 N GUAVA AVE
LUBBOCK, LUBBOCK COUNTY, TX 79403

Investigation #

1349642
Investigation Date: 07/21/2016

Additional ID(s): 1520002

OUTSTANDING ALLEGED VIOLATION(S)

Track No: 608298 Compliance Due Date: 10/24/2016

30 TAC Chapter 290.44(d)(2)

Alleged Violation:

Investigation: 1324540

Comment Date: 06/21/2016

Failure to obtain an exception to utilize booster pumps taking suction from distribution. At the time of the investigation, both Pump Station #12 and the Hillcrest booster station were found to take suction directly from distribution. When asked if an exception had been obtained, Mr. Mike Lowe, Water Operations Manager, indicated that the City of Lubbock could not locate the requested exception. Mr. Chirag Patel of the TCEQ Technical Review and Oversight Team conducted a search of the plans and exceptions for the Lubbock Public Water Supply going back to 1990 and could find no such records of plans or exceptions for either set of booster pumps.

Investigation: 1349642

Comment Date: 07/22/2016

A Violation Review Meeting was held on July 13, 2016. As a result of information received from the City of Lubbock, this alleged violation was modified to remove reference to the Hillcrest booster station. Compliance documentation related to Pump Station #12 is required. Recommended Corrective Action: As required in Title 30 Texas Administrative Code (TAC) Subchapter D, Subsection (5)290.44(d)(2), when service is to be provided to more than one pressure plane or when distribution system conditions and demands are such that low pressures develop, the method of providing increased pressure shall be by means of booster pumps taking suction from storage tanks. If an exception to this requirement is desired, the designing engineer must furnish for the executive director's review all planning material for booster pumps taking suction from other than a storage tank. An exception request for Pump Station #12 must be submitted to the TCEQ. The necessary documentation should be submitted to TCEQ, Technical Review and Oversight Team, Mail Code 159, P.O. Box 13087, Austin, TX 78711-3087. The system must comply with any requests or decisions made by the Technical Review and Oversight Team regarding the submitted information. Compliance documentation verifying the exception has been requested must be submitted to the TCEQ Region 2 Lubbock Office by October 24, 2016.

Track No: 608299 Compliance Due Date: 10/24/2016

30 TAC Chapter 290.46(s)(1)

Alleged Violation:

Investigation: 1324540

Comment Date: 06/21/2016

Failure to calibrate all flow-measuring devices, rate-of-flow controllers, and well meters. At the time of the investigation, there were no records of calibrations for the flow meters on the potable water lines used for filter backwashes at the North Water Treatment Plant (NWTP), there were no records of meter calibrations for the decant water or raw water at the South Water Treatment Plant (SWTP), there were no records of meter calibrations for the well flow meters in the Bailey County Sandhills Wellfield, and several of the SWTP filters effluent meters were not calibrated annually.

Investigation: 1349642

Comment Date: 07/22/2016

A Violation Review Meeting was held on July 13, 2016. Based on information provided during

the meeting, this alleged violation is currently active.

Recommended Corrective Action: As required in Title 30 TAC §290.46(s)(1), flow-measuring devices and rate-of-flow controllers that are required by §290.42(b) and (d) of this title (relating to Water Treatment) shall be calibrated at least once every 12 months. Well meters required by §290.41(c)(3)(N) of this title (relating to Water Sources) shall be calibrated at least once every three years. Calibration records for the flow meters on the potable water lines used for filter backwashes at the NWTP were provided on April 29, 2016. Compliance documentation verifying the decant water and raw water meters at the SWTP have been calibrated, along with records of flow meter calibrations for the well flow meters in the Bailey County Sandhills Wellfield, must be submitted to the TCEQ Region 2 Lubbock Office by October 24, 2016. Due to the large number of wells, a compliance plan detailing the steps the city plans to take to calibrate the well flow meters once every three years may also be submitted.

Exhibit 2

City Submittal of Request for a Variance Pursuant to 30 TAC § 290.44(d)(2)



October 11, 2016

Plan and Technical Review Section
Water Supply Division
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Re: Investigation No: 1324540
Requested Variance for Pump Station 12

Technical Review Team,

The purpose of this letter is to request a variance for the City of Lubbock Pump Station 12 project. Pump Station 12 was constructed in 1993, and is an inline booster pump station. Pump station 12 is not typically required to run unless a large demand on the system occurs such as a line break in a critical area of the distribution system or a large fire demand. The distribution system normally feeds directly into an elevated storage tank on the outlet side of Pump Station 12. This allows for stored water to supply the Montford Unit/Texas Department of Criminal Justice facility during times of possible lower pressure events or outages of service. In the event the City is unable to provide adequate system pressure to fill the elevated storage tank, Pump Station 12 turns on to provide needed pressure to fill the storage tank. In addition, Pump Station 12 is directly fed from a 12-inch water line that is fed from 2 different directions; 12-inch and 10-inch waterlines fed directly by Pump Station 8. Pump Station 8 suction is fed from a 5 Million Gallon storage tank. Pump station 8 keeps pressures in excess of 80 psi throughout Southeast Lubbock. Pump Station 8 is less than 2 miles from Pump Station 12.

Except as disclosed in this letter, the plans were in compliance with all requirements outlined in Chapter 290.

Chapter 290.44 (d) (2) states that "When service is to be provided to more than one pressure plane or when distribution system conditions and demands are such that low pressures develop, the method of providing increased pressure shall be by means of booster pumps taking suction from storage tanks". Pump Station 12 does not take suction directly from a storage tank. It takes suction directly from distribution pipelines. System pressures, without the use of pump station 12, in this area have historically been at 80 psi or higher.

Pump Station 12 is equipped with a pressure recorder and has a low pressure shutoff set at 20 psi through the Programmable Logic Controller (PLC) to protect the pumps. This is in accordance with chapter 290.44 (d) (2) requirements for an exception to be granted.

The City of Lubbock appreciates your consideration of this variance request to not require a storage tank for Pump Station Number 12. If you have any questions regarding this project, please contact me via phone at (806) 775-2342 or by email at jturpin@mylubbock.us.

Sincerely,



John Turpin P.E.
Chief Water Utilities Engineer
1625 13th Street Lubbock Tx 79401

cc: L. Wood Franklin P.E. Director of Public Works
Michael G. Keenum P.E. City Engineer
Aubrey Spear P.E. Director of Water Utilities
Malcolm Laing Water Resources Manager

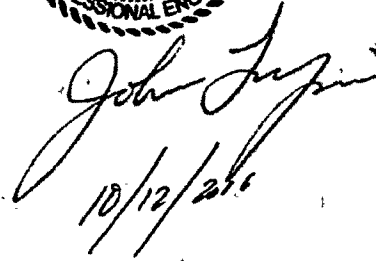
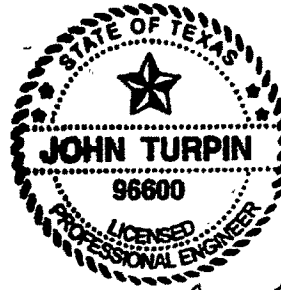

10/12/2016

Exhibit 3

**City Correspondence to TCEQ Region 2 of September 9, 2016
Repaired/Rehabilitated Clarifier Arms and
Notice of Cattle Carcass Burial through Affidavit to the Public**



816 Congress Avenue, Suite 1900
Austin, Texas 78701
Telephone: (512) 322-5800
Facsimile: (512) 472-0532

www.lglawfirm.com

Mr. Castleberry's Direct Line (512) 322-5856
Email: bcastleberry@lglawfirm.com

September 9, 2016

Mr. Bob Patton
Industrial and Hazardous Waste Permits Section
Texas Commission on Environmental Quality, MC130
P.O. Box 13087
Austin, Texas 78711-3087

**VIA FIRST-CLASS MAIL AND
ELECTRONIC TRANSMISSION**

Re. City of Lubbock Notification of Cattle-Carcass Disposal Site (2020-15)

Dear Mr. Patton:

Pursuant to 30 TAC § 335.6, this letter serves as notification to the Texas Commission on Environmental Quality (the "TCEQ") that the City of Lubbock (the "City") has disposed of and will continue to dispose of cattle carcasses on the City's property in Lynn County, Texas pursuant to the authority granted to it under 30 TAC § 335.2(d).

Please find included as **Attachment A** a copy of the City's Affidavit to the Public (the "Affidavit") that has been recorded in Lynn County. The Affidavit and its attachments include the metes and bounds description and a vicinity map of the tract of land (the "Disposal Site") on which the cattle carcasses have been and will continue to be buried as needed.

The City currently leases out the Disposal Site and adjacent property for cattle grazing operations and intends to use the Disposal Site for the burial of only those cattle who die of natural causes, subject to the terms of the lease.

Additional information about the disposal activity can be obtained by contacting the City's Southwest Water Reclamation Plant at (806) 775-3228.

If you have any questions, please do not hesitate to contact me or my colleague, Ashleigh Acevedo, at (512) 322-5891 or aacevedo@lglawfirm.com.

Sincerely,

Brad Castleberry
Brad B. Castleberry *with permission RTH*

BBC/ldp
7095934

ENCLOSURES

cc: Mr. Gary Shipp
Mr. Aubrey Spear
Ms. Mary Gonzales
Ms. Ashleigh Acevedo

Lloyd Gosselink Rochelle & Townsend, P.C.

STATE OF TEXAS §
COUNTY OF LUBBOCK §

2016-1231

AFFIDAVIT TO THE PUBLIC

Before me, the undersigned authority, on this day personally appeared James Loomis, City Manager of the City of Lubbock, who, after being by me duly sworn, upon oath states that he is the City Manager of the City of Lubbock, the record owner of that certain tract or parcel of land lying and being situated in Lubbock County, Texas, and being more particularly described on Exhibit "A", attached hereto.

The undersigned further states that beginning in the year 2002, Class 2 nonhazardous industrial waste material was buried on the aforesaid tract of land. Specifically, waste material was buried on that portion of the aforesaid tract as described on Exhibit "B", attached hereto.

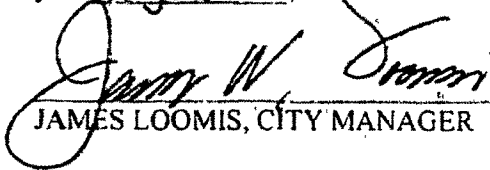
The waste materials and their associated waste classifications disposed of on the aforesaid tract are and will be only comprised of beef cattle carcasses from animals that died of natural causes while grazing on the City of Lubbock Hancock Land Application Site.

More specific information on the disposal activity can be obtained from:

Southeast Water Reclamation Plant (806) 775-3228

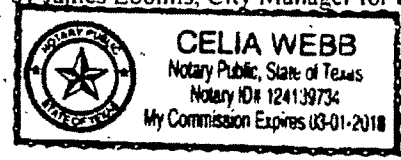
Notice is hereby provided to any future owner or user of the site to consult with the Texas Commission on Environmental Quality prior to planning or initiating any activity involving the disturbance of the landfill.

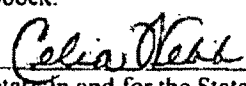
WITNESS MY HAND on this the 23rd day of August, 2016.


JAMES LOOMIS, CITY MANAGER

STATE OF TEXAS §
COUNTY OF LUBBOCK §

SUBSCRIBED AND SWORN TO BEFORE ME on this 23rd day of August, 2016,
by James Loomis, City Manager for the City of Lubbock.



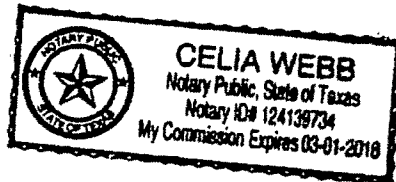

Notary In and for the State of Texas
My Commission Expires: 03-01-2018

FILED
AUG 23 2016
LUBBOCK COUNTY, TEXAS

STATE OF TEXAS §

COUNTY OF LUBBOCK §

This instrument was acknowledged before me on August 23, 2016, by James Loomis, City Manager of the City of Lubbock, Texas.



Celia Webb
Notary in and for the State of Texas
My Commission Expires: 03-01-2018

APPROVED AS TO CONTENT:

Mary Gonzales
Mary Gonzales, Wastewater Superintendent

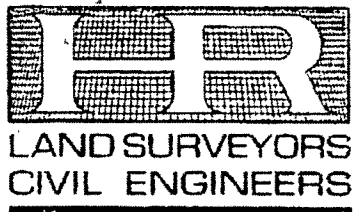
Aubrey Spear
Aubrey Spear, Director of Water Utilities

APPROVED AS TO FORM:

Amy L. Sims
Amy L. Sims, Deputy City Attorney

1001 401 407 721

EXHIBIT A.



HUGO REED AND ASSOCIATES, INC.

1601 AVENUE N / LUBBOCK, TEXAS 79401 / 806-763-5642 / FAX 806-763-3891

TEXAS REGISTERED ENGINEERING FIRM F-760

TEXAS LICENSED SURVEYING FIRM 100676-00

160777

City of Lubbock Only

METES AND BOUNDS DESCRIPTION of a 0.7935 acre tract out of a tract described in Volume 291, Page 935 of the Deed Records of Lynn County, Texas, located in Labor 8, League 1, W.D. Green Subdivision, Wilson County School Lands, Lynn County, Texas, according to the plat recorded in Volume 57, Page 38 of the Deed Records of Lynn County, Texas, being further described as follows:

BEGINNING at a 1/2" iron rod with cap marked (HRA) set for the Northwest corner of this tract which bears N. 01°43'37" E. a distance of 3316.26 feet and S. 88°16'23" E. a distance of 3525.14 feet from a 1/2" iron rod found at the Southwest corner of said League 1;

THENCE N: 75°55'10" E. a distance of 185.21 feet to a 1/2" iron rod with cap marked (HRA) set for the Northeast corner of this tract;

THENCE S. 57°27'36" E. a distance of 256.78 feet to a 1/2" iron rod with cap marked (HRA) set for the Southeast corner of this tract;

THENCE S. 75°55'09" W. a distance of 185.21 feet to a 1/2" iron rod with cap marked (HRA) set for the Southwest corner of this tract;

THENCE N. 57°27'35" W. a distance of 256.78 feet to the Point of Beginning.

Contains: 34,566 square feet.

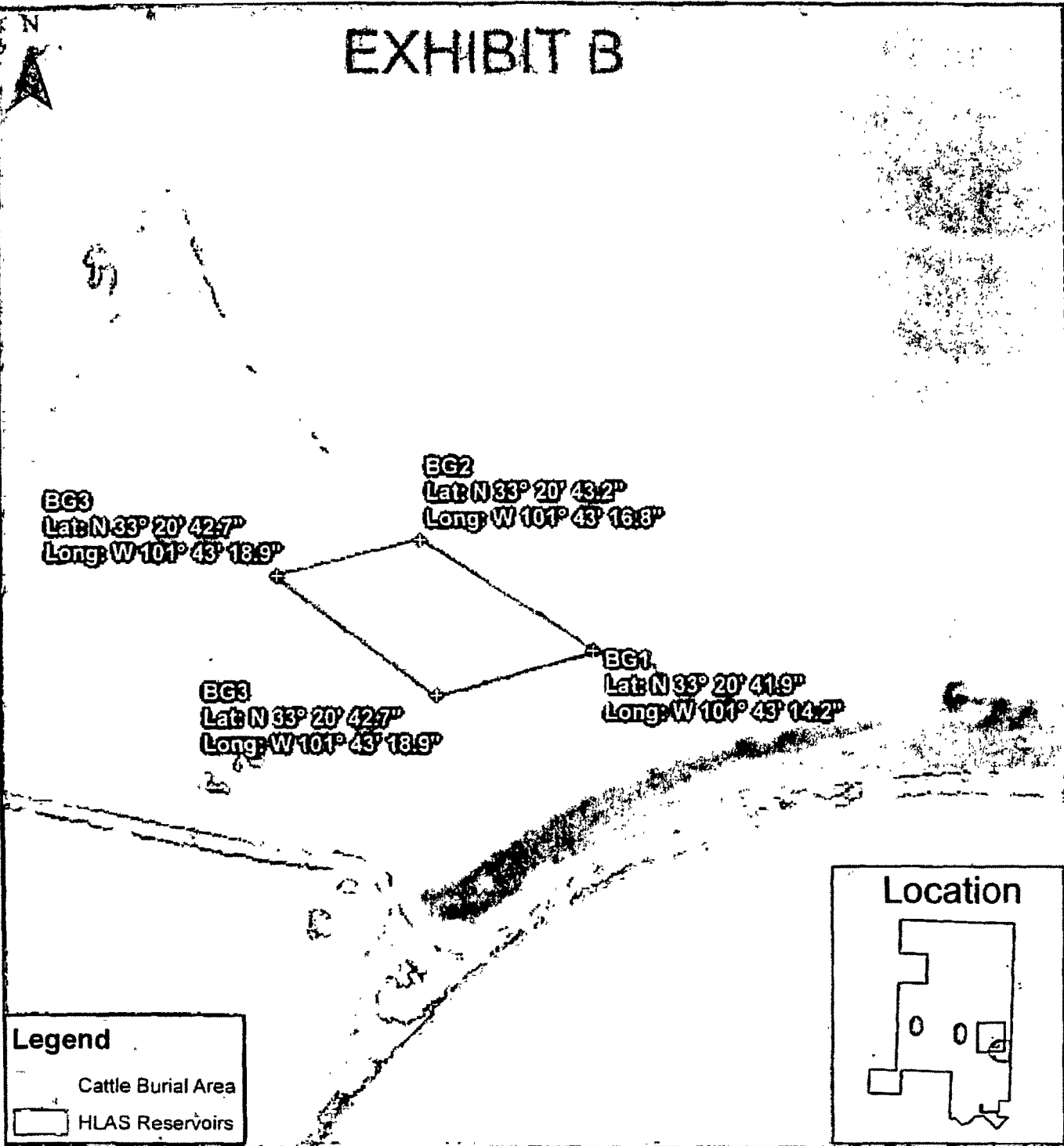
Bearings are relative to Grid North, Texas Coordinate System of 1983, North-Central Zone, 2011 (epoch 2010.0). Distances are Surface, U.S. Survey Feet.

Surveyed on the ground
July 13, 2016

Brent Carroll
Registered Professional Land Surveyor
No. 5410 State of Texas



Vol 461 Page 722



Wilson Farm Cattle Burial Area

June 2016

70 140 280 420 Feet

As required by SECTION 1 Chapter 2051 SUBCHAPTER D GEOSPATIAL DATA PRODUCTS of the Government Code, the City of Lubbock hereby provides notice that the data on this map was created by the City of Lubbock. Any data that appears to represent property boundaries is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



The Lynn County Clerk has added this page
to document no. 2016-1231 in
order to add recording information.

VOL 461 PAGE 721

FILED FOR RECORD
AT 11:00 O'CLOCK A M
ON THE 25 DAY OF Aug
A.D., 2016
VOL. 461 Page 721
In the 012 Records

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
Susan Tipton
Susan Tipton
COUNTY CLERK, LYNN COUNTY, TEXAS



LC

Exhibit 4

TCEQ Region 2 Correspondence to City of Lubbock: Compliance with Notice of Violation dated April 15, 2016

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



OC
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 23, 2016

The Honorable Daniel M. Pope, Mayor
City of Lubbock
P.O. Box 2000
Lubbock, Texas 79457-2000

Re: Notice of Compliance with Notice of Violation (NOV) dated April 15, 2016:
City of Lubbock Southeast Water Reclamation Plant, Lubbock (Lubbock County) Texas
RN101609949, TCEQ ID No.: WQ0010353002, Investigation No. 1321923

Dear Mayor Pope:

This letter is to inform you that the Texas Commission on Environmental Quality (TCEQ) Lubbock Region Office has received adequate corrective action documentation on September 12, 2016 to resolve the remaining outstanding alleged violations documented during the investigation of the above-referenced regulated entity conducted on March 2-10, 2016. Based on the information received on September 12, 2016, no further action is required concerning this investigation.

The Texas Commission on Environmental Quality appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions, please feel free to contact Mr. Joseph Hopkins at the Lubbock Region Office at (806) 796-7092.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Keith".

Jay Keith
Section Manager
Lubbock Region 2 Office

JHK/JLH/ah

Enclosure: Summary of Investigation Findings

Summary of Investigation Findings

SOUTHEAST WATER RECLAMATION PLANT

Investigation # 1363101

3603 E GUAVA ST

Investigation Date: 09/16/2016

LUBBOCK, LUBBOCK COUNTY, TX 79457

Additional ID(s): TX0106071
TXRNEP644
TXR05CH74
WQ0010353002

OUTSTANDING ALLEGED VIOLATION(S)

Track No: 599403

Compliance Due Date: 09/12/2016

30 TAC Chapter 335.4

30 TAC Chapter 335.5

30 TAC Chapter 335.6(a)

Alleged Violation:

Investigation: 1321923

Comment Date: 04/14/2016

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). At the time of the investigation, there were numerous cattle carcasses in various stages of decomposition near HLAS Pond 1. Since the required notification was not made and the open storage of carcasses has the potential to both create and maintain a nuisance condition and endanger public health and welfare, this storage is unauthorized. As required by Title 30 TAC §335.6(a), any person who intends to store, process, or dispose of industrial solid waste without a permit, as authorized by §335.2(d), (e), (f), or (h) of this title (relating to Permit Required) or §335.24 of this title (relating to Requirements for Recyclable Materials and Nonhazardous Recyclable Materials) shall notify the executive director in writing or using electronic notification software provided by the executive director, that storage, processing, or disposal activities are planned, at least 90 days prior to engaging in such activities. As required by Title 30 TAC §335.5(a), no person may cause, suffer, allow, or permit the disposal of industrial solid waste or municipal hazardous waste in a landfill prior to recording in the county deed records of the county or counties in which the disposal takes place. In addition, as required by Title 30 TAC §335.4, no person may cause, suffer, allow, or permit the collection, handling, storage, processing, or disposal of industrial solid waste in such a manner so as to cause the creation and maintenance of a nuisance or the endangerment of the public health and welfare.

Investigation: 1335426

Comment Date: 05/27/2016

A File Review was conducted on May 20, 2016. No changes regarding this alleged violation or the corrective action schedule are being made at this time.

Investigation: 1363101

Comment Date: 09/19/2016

A File Review was conducted on September 16, 2016 to address this alleged violation. Correspondence was received from Lloyd Gosselink Rochelle & Townsend, PC, on behalf of the City of Lubbock, on September 12, 2016. The correspondence indicates that the carcasses have been buried onsite, the disposal area has been deed recorded, and the TCEQ Industrial and Hazardous Waste Permits Section has been notified of the disposal activity and location. This documentation was determined to be sufficient to resolve the alleged violation.

Recommended Corrective Action: Compliance documentation indicating that the current carcasses and all historic industrial solid waste have been disposed of at a properly authorized disposal facility, including waste manifests describing where the carcasses were taken, must be submitted. As an alternative, please provide proper notification of proposed waste management and disposal means including documentation that the current cattle carcasses have been properly buried, documentation that all current and historical disposal areas have been properly deed recorded, photographs of the site after proper carcass disposal, as well as a statement

regarding the future means of disposing of carcasses, must be submitted to the TCEQ Region 2 Office. The TCEQ may require submission of information necessary to determine whether storage, processing, or disposal is compliant with the applicable regulations. Required information may include, but is not limited to, information concerning waste composition, waste management methods, facility engineering plans and specifications, or the geology where the facility is located. The storage and/or disposal of carcasses must not create and maintain a nuisance condition or endanger public health and welfare.

ALLEGED VIOLATION(S) NOTED AND RESOLVED**Track No: 599379****30 TAC Chapter 305.125(5)****PERMIT WQ0010353002, Operational Requirement 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.

Alleged Violation:**Investigation: 1321923****Comment Date: 03/29/2016**

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. Significant floating sludge/scum accumulation was noted within the clarifiers, indicating a growth problem of floc, possibly due to nitrification with dispersed growth and filamentous bulking, denitrification causing sludge blanket flotation, nutrient deficiency with poor sludge settling and filamentous bulking, sulfide toxicity from septage disposal, in-house anaerobic digester flows, or anaerobic conditions. In addition, the sludge rake was noted to not extend above the water surface along the entire length of the rake, decreasing the effectiveness of the treatment unit.

Investigation: 1335426**Comment Date: 05/27/2016**

A File Review was conducted on May 20, 2016. No changes regarding this alleged violation or the corrective action schedule are being made at this time.

Investigation: 1363101**Comment Date: 09/19/2016**

A File Review was conducted on September 16, 2016 to address this alleged violation. Correspondence was received from Lloyd Gosselink Rochelle & Townsend, PC, on behalf of the City of Lubbock, on September 12, 2016. The correspondence indicates that the skimmer arms on the Plant 3 clarifiers have been repaired. This documentation was determined to be sufficient to resolve the alleged violation.

Recommended Corrective Action: Conduct a thorough facility operational evaluation and implement appropriate corrective action measures to ensure proper operation and maintenance of the facility clarifiers in order to achieve optimum efficiency of treatment capability. Documentation describing the elected corrective action, including supporting documentation, is to be submitted to the TCEQ Region 2 Office at 5012 50th Street, Suite 100, Lubbock, TX 79414.

Resolution: Correspondence was received from Lloyd Gosselink Rochelle & Townsend, PC, on behalf of the City of Lubbock, on September 12, 2016. The correspondence indicates that the skimmer arms on the Plant 3 clarifiers have been repaired. This documentation was determined to be sufficient to resolve the alleged violation.