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DOCKET NO. 55154

**APPLICATION OF THE CITY OF PHARR § PUBLIC UTILITY COMMISSION
TO AMEND ITS CERTIFICATE OF §
CONVENIENCE AND NECESSITY IN § OF TEXAS
HIDALGO COUNTY §**

**CITY OF PHARR’S RESPONSE TO ORDER NO. 13,
MOTION TO ADMIT EVIDENCE, AND PROPOSED AMENDMENT TO THE
JOINT PROPOSED NOTICE OF APPROVAL**

On May 14, 2024, the Administrative Law Judge (ALJ) requested clarification regarding the statement in the proposed notice of approval regarding the City of Pharr’s (Pharr) violations listed in the Texas Commission on Environmental Quality (TCEQ), stating that the ALJ was unable to locate in the record if Pharr had resolved or is currently addressing said violations. The ALJ requested the clarification be filed by May 22, 2024. Therefore, the pleading is timely filed.

On May 11, 2023, Pharr received correspondence from the TCEQ regarding the alleged violations. On June 28, 2023, Pharr responded to the TCEQ stating that it was taking the necessary steps to attain compliance. *See Attachment No. 1.* Currently, Pharr is waiting for a response from the TCEQ. Thus, as evidenced by the Attachment No. 1, Pharr is currently addressing the violations with the TCEQ.

I. PHARR’S MOTION TO ADMIT EVIDENCE

Pharr moves to admit the following evidence into the record of this proceeding:

1. City’s Response to Order No. 13 filed on May 22, 2024 (Interchange No. 39).

II. PROPOSED AMENDMENT TO PROPOSED NOTICE OF APPROVAL

Pharr requests that proposed Finding of Fact Nos. 15 and 25 be revised as follows:

15. Pharr has violations listed in the TCEQ database. Pharr responded to TCEQ's correspondence regarding the alleged violations on June 28, 2023. Pharr is currently addressing the violations.
25. Pharr has violations listed in the TCEQ database. Pharr responded to TCEQ's correspondence regarding the alleged violations on June 28, 2023. Pharr is currently addressing the violations.

III. CONCLUSION

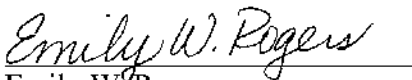
Pharr respectfully requests that the Commission grant the Motion to Admit Evidence and adopt the Joint Proposed Notice of Approval as amended as described above.

Respectfully submitted,

Emily W. Rogers
State Bar No. 24002863
erogers@bickerstaff.com

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3711 S. MoPac Expressway
Building One, Suite 300
Austin, TX 78746
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Facsimile: (512) 320-5638

BY:



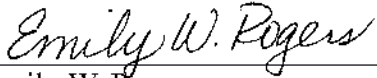
Emily W. Rogers

CERTIFICATE OF CONFERENCE

I certify that I have conferred with Counsel for the Public Utility Commission of Texas Staff, Dylan King, and he concurs with this Joint Motion to Admit Evidence and Proposed Notice of Approval.

CERTIFICATE OF SERVICE

I certify that a copy of this document was served on all parties of record on May 22, 2024, in accordance with the requirements of 16 Tex. Admin. Code § 22.74 and PUC Order No. 2 in Docket No. 50664.



Emily W. Rogers

ATTACHMENT NO. 1



Pharr



MAYOR Ambrosio Hernandez, MD

COMMISSIONERS Eleazar Guajardo | Roberto "Bobby" Carrillo | Ramiro Caballero, MD | Daniel Chavez | Ricardo Medina | Itza Flores

June 28, 2023

Mr. Jaime Garza
Regional Director
Texas Commission on Environmental Quality
Harlingen and Laredo Offices
1804 W. Jefferson Ave., Harlingen, TX 78550

Re: **Extension Request for Inspection No. WQ0010596001 TX0062219**
Regulated Entity No: RN102928041
TCEQ Potential Violations and/or Records Request
City of Pharr WWTP

Dear Mr. Garza,

This letter is in response to your Potential Violations and/or Records Request of the TCEQ Inspection No. WQ0010596001 / Investigation # 1898392 dated May 11, 2023.

We are requesting consideration be extended for an additional 350 days, so that we may comply with **Track No: 689764, Track No: 844564, Track No: 844790**, of the notice of Alleged Violation with the commission's Order.

We have taken the Following steps to help us attain compliance of provision:

- The City of Pharr has obtained Garcia Infrastructure Consultants, LLC to address the grit chamber unit not being operational. Attached you will find a letter from GIC in reference to this and what we are doing to obtain the solution.
- The City of Pharr has budgeted extra funding to address **Track No: 844564** for the next budget year that will begin in October 2023.
- Attached you will find a letter from TRIMAD Engineering as to the work being done for the permit to address **Track No: 844790**.
- We need this time to achieve our goal of complying with this order. If these issues are completed before the time requested we will send copies of the corrections to the TCEQ office.

In advance I would like to thank you for your consideration and help in this matter.

Respectfully,

Ruben Rosales
City of Pharr
Public Utilities Director
956-402-4300 ext2326



Garcia Infrastructure Consultants, LLC

TBPE Firm No. F-17794

May 10, 2023

Mr. Ruben Rosales
Public Utilities Director
City of Pharr
801 E. Sam Houston
Pharr, Texas 78577

Reference: Texas Commission on Environmental Quality (TCEQ) Notice of Violation
Comprehensive Compliance Investigation
City of Pharr WWTP (WQ0010596001)

Mr. Rosales,

Garcia Infrastructure Consultants, LLC (GIC) was engaged by the City of Pharr for professional engineering services to design improvements to Pharr WWTP Plant Influent Lift Station and Headworks Facility (Headworks Project). The alleged violations noted as Item No. 1 and 2 in the Texas Commission on Environmental (TCEQ) Exit Interview Form (**Attachment A**) pertaining to the inoperable grit removal system and mechanical screen will be addressed as part of the Headworks Project.

SCOPE OF WORK

The existing grit removal system will be removed and replaced with a new more efficient and reliable grit removal system. The existing mechanical screen will also be replaced with multiple mechanical screens. These improvements will address Item No. 1 and 2.

FUNDING

The City of Pharr has secured a loan from the Texas Water Development Board (TWDB) under the Clean Water State Revolving Fund (CWSRF) Program. The Headworks Project is funded under this loan (TWDB Project # 73867).

SCHEDULE

GIC is currently finalizing the Preliminary Engineering Design Report (PER) for the Headworks Project. It is anticipated that design will be completed fourth quarter 2023 and construction to commence first quarter 2024. Construction is anticipated to be completed by the end of 2024.

Design Phase: Complete October 2023
Bid Phase: November 2023 to December 2023 (2 Months)
Construction Phase: January 2024 to December 2024 (12 Months)

Sincerely,

Javier Garcia, P.E.
Managing Partner

Encl/as noted
cc: File GIC 1069

ATTACHMENT A

City of Pharr WWTP
TCEQ Exist Interview Form

EXIT INTERVIEW FORM: Potential Violations and/or Records Requested

Regulated Entity/Site Name	City of Pharr WWTP	TCEQ Add. ID No. RN No (optional)	WQ0010596001			
Investigation Type	WQ	Contact Made In-House (Y/N)	N	Purpose of Investigation	Comprehensive compliance investigation	
Regulated Entity Contact	Mr. Ruben Rosales		Telephone No.	956.402.4300 ext 2326	Date Contacted	5/7/2021
Title	Public Utilities Director		E-mail:		Date Faxed:	

NOTICE: The information provided in this Note is intended to provide clarity to issues that have arisen to the date of this Note during the investigation process between the agency and the company and *does not represent agency findings related to violations*. Any potential or alleged violations discovered after the date of this Note will be communicated by telephone to the regulated entity representative prior to the issuance of a notice of violation or enforcement. Conclusions drawn from this investigation, including additional violations or potential violations discovered (if any) during the course of this investigation, will be documented in this investigation's final report.

Issue		For Records Request, identify the necessary records, the company contact and date due to the agency. For Alleged and Potential Violation issues, include the rule in question with the clearly described potential problem. Other type of issues: fully describe.			
No.	Type ¹	Rule Citation (if known)	Description of Issue		
1	AV	30 TAC 305.125(1) & (5)	Failure to at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the grit chamber unit was not operational on the day of the investigation.		
2	AV	30 TAC 305.125(1) & (5)	Failure to at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the muffin monster/grinder unit was not operational on the day of the investigation.		
3	AV	30 TAC 305.125(1) & (5)	Failure to at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, heavy corrosion was observed at the base of the master control electrical housing.		
4	AV	30 TAC 305.125(1) & (5)	Failure to at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the roofing of both the Old and New Oxidation Ditches were observed to have missing or broken pieces.		

Note 1: Issue Type Can Be One or More of: AV (Alleged Violation), PV (Potential Violation), O (Other), or RR (Records Request)

Did the TCEQ document the regulated entity named above operating without proper authorization?	✓ No <input type="checkbox"/> Yes
Did the investigator advise the regulated entity representative that continued operation is not authorized?	✓ No <input type="checkbox"/> Yes

Document Acknowledgment. Signature on this document establishes only that the regulated entity (company) representative received a copy of this document and associated continuation pages on the date noted. If contact was made by telephone, document will be faxed to regulated entity; therefore, signature not required.

<i>Jennifer Graves</i> Jennifer Graves	7/16/2021		
Investigator Name (Signed & Printed)	Date	Regulated Entity Representative Name (Signed & Printed)	Date

If you have questions about any information on this form, please contact your local TCEQ Regional Office.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, call 512/239-3282.



1803 MOZELLE STREET
PHARR, TEXAS 78577
TEXAS REGISTERED ENGINEERING
FIRM NUMBER F-18526

June 07, 2023

Jaime Garza
Regional Director
Harlingen and Laredo Regional Offices Texas Commission on Environmental Quality
1804 W. Jefferson Ave.
Harlingen, Texas 78550

SUBJECT: City of Pharr Wastewater Treatment Plant Permit Renewal Application

Dear Mr. Garza:

Trimad was contracted and is currently working with the City of Pharr on the permit renewal application and is just pending the required lab testing. The City is anticipating to submit the application once lab testing results are obtained and before the expiration date (July 12, 2023) of the permit.

Sincerely,

A handwritten signature in black ink that reads "Ricardo Salazar".

Ricardo Salazar, P.E.
President

