

Investigation Comments:**INTRODUCTION**

On March 8, 2023, the Texas Commission on Environmental Quality (TCEQ) Dallas (DFW) Region Office received a complaint (Incident No. 397163) alleging backup of wastewater into residential houses when the wastewater treatment plant (WWTP) turns on and the WWTP is unmanned at the Hawk Cove WWTP in Hawk Cove (Hunt County), Texas. The complaint was assigned to Water Quality Investigator Carol Moulton and was investigated on April 4, 2023. The allegation was not substantiated during the investigation, however other issues were noted. A verbal exit interview was provided to Ms. Patricia Pendergraft, City Secretary, and an exit interview form detailing the findings from the investigation was emailed to Ms. Pendergraft, and Mr. James Mullis, WWTP Operator, on April 5, 2023. A second exit interview form was emailed to Ms. Pendergraft and Mr. Mullis on May 22, 2023. Based on the findings of this investigation, a Notice of (NOV) letter was issued to facilitate compliance.

GENERAL FACILITY AND PROCESS INFORMATION

The City of Hawk Cove (City) owns and operates a WWTP, which was permitted to discharge a daily average flow of 0.2 million gallons per day (MGD) directly into Lake Tawakoni in segment No. 0507 of the Sabine River Basin. There are seven lift stations in the collection system. Mr. Mullis, who holds a Class B wastewater treatment license (WW0056929), is employed by the city to operate the plant.

BACKGROUND

The last comprehensive compliance investigation (CCI) was conducted on April 19, 2020. Violations were cited and the city was referred to enforcement due to not submitting documentation. See Investigation No. 1643915 for more information.

Subsequently, the city was referred to formal enforcement on May 28, 2021, for allowing their discharge authorization to expire on March 2, 2021, without renewal. Docket No. 2021-0024-MWD-E, which also includes violations from the CCI, is currently pending. On August 30, 2021, the TCEQ received an application for a wastewater permit for the city. This permit application is currently pending approval under TCEQ ID WQ0014522-002.

A complaint investigation was conducted on September 24, 2021, concerning poor operation and maintenance at the WWTP, and operation of the plant by unlicensed individuals. The complaint was substantiated however no violations were issued; the deficiencies for operation and maintenance and permit effluent noncompliance were addressed as additional issues. See Investigation No. 1770826 for more information.

This complaint has been filed under Incident No. 397163.

ADDITIONAL INFORMATION

The complaint received alleged that residents near the WWTP were experiencing sewer backups into their homes when the WWTP turns on. The complaint alleged that after the city removed the residents off septic systems beginning around 2004-2005, the plumbers hired to install the lateral lines did not use proper piping, fittings, and line installation. Additionally, the complaint indicated the city is requiring residents to install sewer ejection pumps, which is costly for the residents, to prevent backups instead of addressing the issue on the city's side. The complaint also alleged that the WWTP was always unmanned. The complainant was contacted regarding the assignment of the complaint. At the time, the complainant also questioned the validity of a police officer with the city being an FHA inspector.

An unannounced onsite investigation was conducted on April 4, 2023. When the investigator arrived at 10:11 am, the gate to the park where the WWTP is located was locked. The investigator observed the Morris Lift Station that is located at the gate to the park and noted it was locked. No sewer odors or operation issues were observed. The investigator then walked up Amy Dr. No odors or issues were noted at the time. A manhole was noted at the intersection of Amy Dr. and Lake Dr. No signs of recent discharges were noted. The investigator then contacted City Hall and spoke to Ms. Pendergraft. She indicated Mr. Mullis had left for the day and would have someone meet me at the park. Mr. James Hall met the investigator onsite and opened the park gate. The investigator explained the reason for the complaint investigation. He noted that an issue occurred on Amy Dr. in January where a residential cleanout was run over and debris got in the line, causing an overflow; he noted that Quality Septic came out and repaired the residential line. The investigator noted this appeared to be a private issue. Mr. Hall also noted that the Morris Lift Station had a pump fail in July 2022 and the pump was installed in December 2022. The investigator noted that this issue of pumping capacity could have attributed to backups in the city sewer line. Mr. Hall indicated the lift station was now equipped with two working pumps. The investigator asked about

the requirement for sewer ejection pumps being installed at residential houses. Mr. Hall indicated that the pumps are not required but noted the city is suggesting some kind of device for some homes that are sloped downhill from the city sewer main to prevent backflow into the residence.

The investigator then went to inspect the WWTP. All treatment units appeared to be working adequately except for the final clarifier's skimmer arm, which appeared to be non-operational. Effluent samples were collected after the final treatment unit immediately after the V-notch weir. The sample analysis results (COC #W011592-01) are attached to this report. The sample results for Ammonia-Nitrogen, dissolved oxygen, and total chlorine residual were noncompliant with the expired permit effluent limits and will be addressed as an additional issue.

The investigator then inspected the Morris Lift Station with the assistance of Mr. Hall. A passive vent was not present on the wet well and is addressed as an alleged violation. No other issues were noted with the lift station.

The investigator then went to City Hall to speak with Ms. Pendergraft and informed her of the complaint allegations and onsite findings. The Morris Lift Station pump issue was discussed, and Ms. Pendergraft provided documents dated July 19 and December 15, 2022, indicating the repair services of the lift station pump as well as the installation. The delay in getting the pump repaired and installed was due to the Quality Septic company. The investigator then mentioned the allegation of wastewater backing up into residential homes and asked about the requirement of pump stations. Ms. Pendergraft stated that there was an issue on Amy Dr. last month where they installed a backflow preventer on the lateral line but was not aware of any backups into the residence. A request for a city ordinance that discusses responsibility with the sewer lines was made and Ms. Pendergraft provided the investigator with a copy of Ordinance No. 05-105. The ordinance requires mandatory connection to the city wastewater line for all buildings located in the city's corporate limits or extra territorial jurisdiction, and that connections will be made under the supervision of the Utilities Department of the city and the plumbing inspector. After the installation, the ordinance notes that the property owners are responsible for maintaining the connection and it be free of obstructions. The ordinance was approved August 18, 2005. Ms. Pendergraft discussed an issue on Redbird Cir. that occurred in August 2022. She said there were wastewater backups due to an issue with the city sewer line and that less than 100 gallons of wastewater was discharged. The investigator asked if the spill was reported, and Ms. Pendergraft indicated it was not. A review of the Region's file indicated no reports of unauthorized discharges since October 2017.

The investigator then discussed the clarifier skimmer arm was not working. Ms. Pendergraft indicated the city will look into the cause for the skimmer arm not working and noted they recently did a lot of work on the WWTP. She provided documentation of updates from February 2023 that details the work that occurred including the removal of approximately 140,000 gallons of grit and sludge from the clarifier, as well as 200 feet of thick gauge wire, both of which prevented the clarifier from working properly.

Lastly the investigator requested operator logs for the WWTP. Ms. Pendergraft provided the investigator with operator logs for the last several months. A review of the documents indicates that Mr. Mullis was checking the plant at least 5 days a week, which is required by the permit. Photocopies of the March 2023 log were provided onsite.

The allegation that residents were experiencing backups into their homes when the WWTP turned on was partially substantiated. The city indicated the Morris Lift Station that would affect homes along Amy Dr. was operating with one pump instead of two between July and December 2022. If the lift station pump was not able to keep up with the sewer level in the wet well, a backup into the city sewer main could have occurred. The lift station is currently equipped with two working pumps and should be able to operate adequately so wastewater is removed from the sewer lines in a timely manner.

The allegation that the plumbers hired by the city to initially install the lateral lines after removal of the septic tanks beginning around 2004-2005 did not use proper piping, fittings, and line installation could not be substantiated, as this does not fall under TCEQ jurisdiction. The complainant is encouraged to contact the Texas State Board of Plumbing Examiners, the agency responsible for enforcing the Plumbing Licensing Law, to investigate the allegation.

The allegation that the city is requiring residents to install sewer ejection pumps to prevent backups was not substantiated. A review of the 2005 city ordinance requires the property owner to keep and maintain the line in perfect condition and be free from obstruction but does not indicate the requirement of this device. However, if there are residences that are below the city's sewer main and the lateral line that was initially installed by city

hired plumbers is not sloped adequately to allow wastewater to reach the city sewer main without the aid of some kind of device, the city and the residents should work together to address and remedy the issue.

The allegation that the WWTP is unmanned was not substantiated. Operator logs indicate an operator tends to the WWTP five days a week to operate and maintain the facility.

The allegation that a city police officer is not a licensed FHA or Plumbing Inspector could not be substantiated as this does not fall under TCEQ jurisdiction. The complainant is encouraged to contact the Texas State Board of Plumbing Examiners, the Texas Real Estate Commission, and the Texas Appraiser Licensing and Certification Board regarding the allegation.

As required, a letter and copy of this report was mailed to both the /city and the complainant.

NOV Date 05/31/2023 **Method** WRITTEN

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

Track Number: 844456 **Compliance Due Date:** 06/28/2023
Violation Start Date: 4/4/2023

2D TWC Chapter 26.039(b)
30 TAC Chapter 327.32(b)

Alleged Violation:

Investigation: 1819518

Comment Date: 05/23/2023

✖ Failure to provide notification of an accidental discharge or spill to the commission. Specifically, a discharge occurred from a sewer line issue on Redbird Cir. in August 2022 that was not reported to the TCEQ within 24 hours. Additionally, a written report was not provided within five days of occurrence.

Recommended Corrective Action: Submit to the Region 4 Office the required noncompliance notification and documentation outlining steps taken to ensure the proper notification of unauthorized discharges.

Track Number: 844457 **Compliance Due Date:** 06/28/2023
Violation Start Date: 4/4/2023

30 TAC Chapter 317.3(b)(6)

Alleged Violation:

Investigation: 1819518

Comment Date: 05/22/2023

✖ Failure to provide ventilation for lift stations. Specifically, the wet well at the Morris Lift Station did not have ventilation.

Recommended Corrective Action: Submit documentation such as photographs to the Region 4 Office indicating the wet well has ventilation.

Track Number: 844458 **Compliance Due Date:** 06/28/2023
Violation Start Date: 4/4/2023

2D TWC Chapter 26.121(a)(1)

Alleged Violation:

Investigation: 1819518

Comment Date: 05/23/2023

* Failure to prevent the unauthorized discharge of wastewater. Specifically, an unauthorized discharge occurred from a sewer line on Redbird Cir. in August 2022 that was approximately 100 gallons. There shall be no unauthorized discharge of wastewater.

Recommended Corrective Action: Submit documentation to the Region 4 Office indicating this issue has been addressed.

Additional Issues

Description Item #1

Additional Comments

If the city initially hired plumbers to install lateral lines from residences to the city sewer mains when the city transitioned from on-site septic to city wastewater treatment, and the installation of those lateral lines were not sloped adequately to allow wastewater to reach the city sewer main without the aid of some kind of device, the city may need to assist with correcting the issue.

Description Item 4

Additional Comments

* Failure to maintain compliance with the permitted effluent limits. Specifically, the grab samples collected during the investigation were not compliant with the minimum grab limits for dissolved oxygen, 4.0 mg/l, and total chlorine residual, 1.0 mg/l, or the single grab limit for Ammonia Nitrogen, 15 mg/l. The results were 2.62 mg/l, 0.02 mg/l, and 30 mg/l, respectively. The TCEQ strongly recommends the permittee come into compliance with the effluent limits for both parameters. Violations may be cited after issuance of the new discharge permit if not addressed.

Description Item 5

Additional Comments

* Failure to properly operate and maintain the treatment units. Specifically, the clarifier skimmer arm was not working at the time of the onsite investigation. The TCEQ strongly recommends the permittee address the issue. Violations may be cited after issuance of the new discharge permit if not addressed.

Signed 
Environmental Investigator

Date 5/23/23

Signed 
Supervisor

Date 5/26/23