



# **Managing Small Domestic Wastewater Systems: Part D, Compliance**

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# Introduction

The State of Texas has numerous regulations regarding the operation of wastewater utilities, primarily to safeguard the health and welfare of the people. This publication is Part D of a five-part series, *Managing Small Domestic Wastewater Systems* (TCEQ publication series RG-530) and is designed to help you—the manager or operator—understand the importance of maintaining compliance with the rules and your permit. It also explains investigation and enforcement, and the violations that can lead to fines and enforcement.

This document covers:

- monitoring, reporting, and record-keeping requirements
- due dates and monitoring tips
- when to notify the TCEQ
- investigations and the enforcement process
- enforcement scenario for a wastewater system

To view or download the complete series of this guide, go to the TCEQ Web page Wastewater Compliance Tools at [www.tceq.texas.gov/goto/rg-530](http://www.tceq.texas.gov/goto/rg-530), maintained by the Small Business and Local Government Assistance (SBLGA) Section. If you do not have Internet access, call the SBLGA's hotline number 800-447-2827 for a paper copy of the complete series *Managing Small Domestic Wastewater Systems* (RG-530).

*Note:* This publication is not a substitute for the actual rules. To obtain the most current, official copy of state rules, contact the Secretary of State's office at 512-463-5561. The rules are also available online at [texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac\\_view=2&ti=30](http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=2&ti=30).

## Compliance

All owners of wastewater-discharge permits are required to periodically report the status of their compliance with the terms and conditions of their permits. Reports must contain results of flow measurements and sample analyses. All records of monitoring and reporting activities required by your permit must be retained at the plant site or be easily available for review by a TCEQ representative. This is one way an investigator evaluates compliance.

# General Compliance: Questions and Answers

## There's so much to do. Where do I start?

1. **Obtain a copy of your permit.** Keep a copy in your official records and a working copy readily available. It's your permit—make notes on it, highlight important information, and use it to help you achieve and maintain compliance.
2. **Become the expert.** Know what your permit requires and keep track of those requirements using charts, logs, or other methods. Tables 1–3 in the “Monitoring, Reporting, and Record-Keeping Guidance” section of this module will help you get off to a good start, or you can develop your own system for tracking your requirements.
3. **Develop and maintain a filing system.** Keep all records of monitoring and reporting activities—including supporting documents—in a file by month and year. Be diligent in maintaining your filing system.
4. **Train your staff.** Once you have your filing system in place, train other personnel on how it is organized. Periodic refresher training is advisable—especially when new employees come on board.
5. **Seek help.** If you need help to get organized or help with compliance, read the section “I Need More Help with Compliance” later in this module.

## What are some of the records I need to keep?

### Operation-and-maintenance records

Part C of this series, *Operations and Maintenance*, contains useful tools and tables to assist with some of the following record-keeping requirements:

- operational or process-control records, such as records of mixed-liquor suspended solids, results of 30-minute settling tests, sludge volume index, mean cell residence time, food-to-microorganism ratio, Gould sludge age, waste activated sludge rate, return activated sludge rate, sludge blanket levels, and influent sampling data
- operator daily logs, recording the date and time of activities, operator's initials, and other information such as flow, total chlorine residual (including manganese correction), influent and effluent pH, influent and effluent dissolved oxygen, solids wasted, volume of solids processed, rainfall records, and comments about exceptions or incidents
- maintenance records for equipment such as pumps, motors, blowers, rotors, and on-site and off-site lift stations

## Laboratory and sampling records

- sampling records, noting the date, time, and location of sampling; the name of the individual who took the sample or measurement; the sample type; and any preservation information
- laboratory reports, noting the analyst's name, the date and time of analysis, the method of analysis or measurement, quality-assurance data for each sample set, and a copy of the completed chain-of-custody form
- calibration records for lab instruments, such as readings of pH meters, dissolved-oxygen meters, chlorine meters, and thermometers, and analytical balances
- records of in-house lab analyses, if applicable

## Self-monitoring records

- monitoring forms, such as Discharge Monitoring Reports (DMRs) and Monthly Effluent Reports (MERs), with copies of supporting data by month and year
- copies of noncompliance notifications for bypasses, unauthorized discharges, sanitary sewer overflows, and any effluent violation that deviates from the permitted effluent limitation by more than 40 percent
- sludge-disposal records including analytical data such as results of the Toxicity Characteristic Leaching Procedure (TCLP), paint-filter tests, amounts of sludge disposed of, dates of disposal, the method or methods of disposal, the name of the disposal site and its owner, the name and registration number of the sludge hauler, manifests, the application rate, and the alternatives selected for reducing (1) pathogens and (2) vector attraction
- certifications for backflow prevention assembly, if applicable
- irrigation application records and soil analysis results, if applicable
- calibration records for flow meters and flowcharts, if applicable
- loading-calculation records, if applicable
- operator-certification records

## How long must records be retained?

All records required by the permit must be retained for at least three years. However, monitoring information related to the permittee's use of sewage sludge and disposal activities must be retained for at least five years. The TCEQ may, however, request that records be retained for a longer period.

## What are some of the reports I may need to submit?

- Discharge Monitoring Reports
- Monthly Effluent Reports

- notifications of water quality noncompliance
- irrigation-application records and soil analysis results
- reports of any sanitary-sewer overflows and unauthorized discharges

## Where can I find help with submitting reports?

**Discharge monitoring reports** can be submitted online. NetDMR is a Web-based tool that allows Texas Pollutant Discharge Elimination System permittees to electronically sign and submit water quality DMRs to the TCEQ. NetDMR can be accessed at <[www.tceq.texas.gov/goto/netdmr-portal](http://www.tceq.texas.gov/goto/netdmr-portal)>. To find out more about the program, you can call 512-239-3367 or e-mail <[NetDMR@tceq.texas.gov](mailto:NetDMR@tceq.texas.gov)>.

Among the benefits of using NetDMR, it:

- reduces the paperwork burden
- improves data quality by automatically error-checking and validating data before submission to the TCEQ
- aids in the timeliness of DMR submissions
- sends an immediate confirmation of submission
- allows access to five years of electronic copies
- allows data import for multiple outfalls at the same time
- accepts electronic signatures
- allows submission of attachments such as lab data, photographs, or other documentation relevant to the DMR

There may be times where you can't access NetDMR. It may be down for maintenance, or you may be having trouble accessing the Internet at your facility. In these situations, you can submit a paper form. It's a good idea to keep a blank copy of the DMR on-hand in case it's needed. Paper forms can be accessed at <[www.tceq.state.tx.us/assets/public/compliance/netdmr/EPA\\_dmr\\_form\\_3320-1\\_rev\\_03-99.pdf](http://www.tceq.state.tx.us/assets/public/compliance/netdmr/EPA_dmr_form_3320-1_rev_03-99.pdf)>. If your facility is registered to submit data electronically, paper forms should only be used temporarily.

**Monthly effluent reports** cannot be submitted online. The TCEQ prepares MER forms for facilities required to report, such as wastewater-reuse and land-application facilities. In the event you do not have a prepared MER form and you need to submit a report, you can use the blank MER at <[www.tceq.texas.gov/assistance/water/wastewater/reporting-on-monthly-effluent-report-mer-forms](http://www.tceq.texas.gov/assistance/water/wastewater/reporting-on-monthly-effluent-report-mer-forms)>. Be sure that the parameters in the MER match the requirements in your permit or authorization.

**Water quality noncompliance notifications** can be submitted using form TCEQ-00501, located at <[www.tceq.texas.gov/assets/public/compliance/enforcement/forms/00501.pdf](http://www.tceq.texas.gov/assets/public/compliance/enforcement/forms/00501.pdf)>.

If **public notification for wastewater discharges** is required, you can download form TCEQ-20627 at <[www.tceq.texas.gov/goto/forms](http://www.tceq.texas.gov/goto/forms)>.

## I am scheduled for an investigation by our regional investigator. What should I do?

Often, investigations of compliance issues can create a stressful time for you—the owner or operator. There are several things you can do prior to and during an investigation to help you overcome unnecessary anxiety. By following these simple suggestions, you will promote a more positive and relaxed environment for the investigation.

- **Allocate time.** Schedule the investigation when you can devote uninterrupted time with your investigator. It isn't always possible to attend meetings without outside distractions, but it is always best to avoid unnecessary interruptions if at all possible.
- **Ask questions.** If you have questions or concerns about the investigation procedure, ask the investigator prior to the meeting. The investigator will be most helpful in answering your questions, allowing you to better prepare. Ask about the extent of the investigation. Some investigations are focused on specific processes or areas. During the exit interview, ask about potential violations, if any, and try to correct them as soon as possible.
- **Be prepared.** Record keeping is one of the most important elements of maintaining and demonstrating compliance with regulatory requirements. Make sure your records are readily available and in good order prior to the investigator's arrival.
- **Be helpful.** Answer all of the investigator's questions honestly and thoroughly. If any information you provide is proprietary or if any areas of your facility contain proprietary information, let the investigator know. Otherwise, the information becomes part of the agency's public record. The same applies to photographs of your facility or operations.

## The investigator plans to sample. What are my options?

At times, during routine investigations, sampling is required. When the investigator calls to schedule an investigation, ask if sampling will be conducted. You may have the option to split samples with the investigator. If you plan to conduct sample splits, make sure you have the necessary equipment and tools available for sampling the specified medium.

## Can I get copies of the TCEQ's investigation checklists?

You can select from multiple water quality investigation checklists online at [www.tceq.texas.gov/goto/wqlists](http://www.tceq.texas.gov/goto/wqlists) or you can use Checklists 1–7 on the following pages. If any of the questions do not apply to your facility, indicate so by marking “NA” on the checklist.

**Note: These checklists may not include all your facility's requirements—you should always follow your permit and the rules.**

### Checklist 1: WWTP Operation and Maintenance

Reference	Plant Operation and Maintenance	Yes	No	NA
217.330 (a) and (b)	If the facility is connected to a public drinking water supply, are backflow-prevention devices installed and tested as required?			
217.327	Are “non-potable water” signs posted at all hydrants and outlets?			
See permit: Operational Requirement No. 1, Monitoring Requirement No. 5, and 319.11(d)	Are all chart recorders and flow meters calibrated properly?			
See permit: Operational Requirement No. 1	Are the chlorine scales functioning properly?			
See permit: Operational Requirement No. 1	Is the ultraviolet system operating properly?			
See permit: Operational Requirement No. 1	Is there vector control for all screening receptacles?			
See permit: Operational Requirement No. 1 and No. 4	Are there functional generators?			
See permit: Operational Requirement No. 1	Is there a properly functioning clarifier-skimmerwiper?			
217.328	Is the plant secured in an intruder-resistant manner with appropriate signs?			
TWC Chapter 26.121(a)	Does the facility prevent unauthorized discharges at the plant (no evidence of unauthorized discharge)?			
See permit: Operational Requirement No. 1	Is the clarifier sawtooth weir functioning properly (even flow with no short-circuiting)?			
See permit: Operational Requirement No. 1	Is flow consistent throughout the aeration basin (no notable dead spots)? Are there two functioning rotors?			
See permit: Operational Requirement No. 1	Are the flow-measuring devices functioning properly?			
See permit: Operational Requirement No. 1	Are bar screens properly maintained?			
See permit: Operational Requirement No. 4 and Permit Condition No. 2.g.	Does the facility maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, or retention of inadequately treated wastewater?			



### Checklist 2: Self-Reported Data

Reference *	Sampling for Self-Reported Data	Yes	No	NA
319.11(a) and (b)	Are thermometers certified by the National Institute of Standards and Technology present and checked for accuracy every year?			
319.11(a) and (b)	Is there a NIST-certified thermometer in the sample-storage refrigerator and the composite sampler?			
319.11(a) and (c)	Are all reagents in acceptable condition (unexpired, contained properly, etc.)?			
319.11(d)	Have the flow meter and chart recorder been calibrated within the last 12 months?			
319.11(b)	Are sample holding times being met?			
319.11(a)	Are all monitoring instruments (e.g., DO and pH meters) being properly calibrated?			
319.11(b)	Are samples properly preserved?			
319.11(c)	Are approved methods used for analyses?			
319.11(e) and (f)	Are the chain-of-custody documents properly completed?			
See permit: Definitions and Standard Permit Conditions	Are loading calculations correct?			
319.11(d)	Is flow measuring performed properly (e.g., not stabbing the weir)?			
319.11(c)	Are pH and DO monitored appropriately?			
319.11(c)	Is chlorine monitored appropriately?			
319.11(e) and (f)	Are quality-assurance and quality-control procedures implemented properly?			
319.7	Are records of equipment calibration, accuracy checks and maintenance maintained and available for review?			

Use this section to make notes about your findings. If a question does not apply to your facility, mark "NA." Describe all deficiencies or items needing attention and correct them as soon as possible. If reporting is required, see the requirements in the permit.

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\* Numbers refer to subsections of Title 30, Texas Administrative Code.

### Checklist 3: Texas Pollutant Discharge Elimination System Permits

Reference*	Monitoring and Reporting Requirements	Yes	No	NA
319.4–12	Are effluent sampling and reporting conducted as specified in the permit or in accordance with 30 TAC 319.4–12?			
See permit: Monitoring and Reporting Requirement No.1	Are monthly effluent reports submitted to the Enforcement Division by the 20th day of the following month for each discharge whether or not a discharge is made for that month?			
305.128	Are monitoring results reported on an approved self-report form that is signed and certified as required by 30 TAC 305.128 (relating to Signatories to Reports)?			
319.11–12	Are test procedures for the analysis of pollutants in compliance with procedures specified in 30 TAC 319.11–319.12 or the permit?			
See permit: Monitoring and Reporting Requirement No. 1	Are measurements, tests, and calculations accurate and representative?			
305.125(11)(A)	Are monitoring samples and measurements taken at times and in a manner so as to be representative of the monitored activity?			
305.125(11)(B)	Are all monitoring and reporting records, including strip charts and records of calibration and maintenance, copies of all records required by the permit, records of all data used to complete the application for the permit, and the certification required by 40 CFR† 264.73(b)(9), retained for a period of three years and readily available for review by a TCEQ representative?			
305.125(11)(C) See permit: Monitoring Requirement No. 3.c	Do all records of monitoring activities include the following: <ul style="list-style-type: none"> <li>a. the date, time, and place of sample measurement;</li> <li>b. the identity of the person who collected the sample or made the measurement;</li> <li>c. the date and time of analysis;</li> <li>d. the identity of the individual and laboratory who performed the analysis;</li> <li>e. the technique or method of analysis; and</li> <li>f. the results of the analysis or measurement and quality assurance–quality control records?</li> </ul>			
See permit: Monitoring Requirement No. 4	Does the permittee include additional monitoring (more monitoring than required by the permit) results in the calculation and reporting of the values submitted on the approved self-report form?			

\* Numbers refer to chapters, subchapters, subsections, or paragraphs of Title 30, Texas Administrative Code.

† 40 CFR = 'Title 40, Code of Federal Regulations.'

Reference *	Monitoring and Reporting Requirements	Yes	No	NA
See permit: Monitoring Requirement No. 5	Are all automatic flow measuring or recording devices and all totalizing meters for measuring flows calibrated by a trained person at least annually? If yes, a. does the person verify in writing that the device is operating properly and giving accurate results, and b. are copies of the verification retained and made readily available for review by a TCEQ representative for a period of three years?			
See permit: Monitoring Requirement No. 7.a	Are written reports submitted to the regional office and the Enforcement Division within five days of the time the permittee becomes aware of the noncompliance?			
See permit: Monitoring Requirement No. 7.a	Do written reports contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects?			
See permit: Monitoring Requirement No. 7.c	Are all effluent violations that deviate from the permitted effluent limitations by more than 40 percent reported in writing to the regional office and the Enforcement Division within five working days of becoming aware of the noncompliance?			
See permit: Monitoring Requirement No. 7.b	Does the permittee submit prior notice by applying for authorization for any needed bypass?			
See permit: Monitoring Requirement No. 9	Does the permittee notify (orally or by fax) within 24 hours, and both the Regional Office and the Enforcement Division in writing within five working days, after becoming aware of or having reason to believe that any activity has occurred or will occur that would result in the discharge of any toxic pollutant listed in 40 CFR* Part 122, Appendix D, Tables II and III?			
305.128	Are all reports and other information requested by the TCEQ signed by the person and in the manner required by 30 TAC 305.128?			
See permit: Monitoring Requirement No. 9 and 40 CFR 122.42(b)	If the facility is a publicly owned treatment works, does the permittee provide adequate notice to the TCEQ of the following: <ul style="list-style-type: none"> <li>• any new introduction of pollutants into the POTW from an indirect discharger which would be subject to Section 301 or 306 of the federal Clean Water Act if it were directly discharging those pollutants;</li> <li>• any substantial change in the volume or character of pollutants being introduced into the POTW by an identified source when the permit was issued; and</li> <li>• the quality and quantity of effluent introduced into the POTW, and any anticipated impact of the change on quality or quantity of effluent to be discharged from it?</li> </ul>			

\* 40 CFR = 'Title 40, Code of Federal Regulations.'

Reference *	Monitoring and Reporting Requirements	Yes	No	NA
	<b>Operational Requirements</b>			
See permit: Operational Requirement No. 1	Does the permittee ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained?			
See permit: Operational Requirement No. 1	Are process control, maintenance, and operations records retained readily available for review by a TCEQ representative, for three years?			
See permit: Operational Requirement No. 2	Does the permittee take appropriate samples and provide proper analysis in order to demonstrate compliance with TCEQ rules?			
312 Subchapters A–F	Does the permittee comply with all applicable provisions of 30 TAC 312 concerning sewage-sludge use and disposal?			
319.21–319.29	Does the permittee comply with all applicable provisions of 30 TAC 319.21–29 concerning the discharge of certain hazardous metals?			
See permit: Operational Requirement No. 5	Does the permittee provide a readily accessible sampling point and, where applicable, a device measuring effluent flow or other acceptable means by which effluent flow may be determined?			
Chapter 21	Does the permittee remit an annual water quality fee to the TCEQ as required by 30 TAC 21?			
See permit: Operational Requirement No. 8.a	Does the permittee initiate engineering and financial planning for expansion or upgrading of the domestic wastewater treatment or collection facilities whenever flow measurements reach <b>75 percent</b> of the permitted daily average or annual average flow for three consecutive months?			
See permit: Operational Requirement No. 8.a	Does the permittee obtain necessary authorization from the TCEQ to begin building necessary additional treatment or collection facilities whenever the flow reaches <b>90 percent</b> of the permitted daily average or annual average flow for three consecutive months?			
See permit: Operational Requirements	If the facility is a publicly owned treatment works, does it achieve at least 85 percent removal of biochemical oxygen demand and total suspended solids (based on a 30-day average)?			
See permit: Operational Requirement No. 9	Is the facility operated and maintained by an operator holding a valid license at the required level?			
	<b>Sludge Provisions (Land Application)</b>			
See permit: Sludge Provisions, Section I.A.1, and Chapter 312	Does the permittee handle and dispose of sewage sludge in accordance with 30 TAC 312 and all other applicable state and federal regulations in a manner which protects public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present in the sludge?			
See permit: Sludge Provisions, Section I.A.2	Does the permittee (who prepares the sludge for another person for land application) supply necessary information to the parties who receive the sludge to assure compliance with these regulations?			

Reference *	Monitoring and Reporting Requirements	Yes	No	NA
See permit: Sludge Provisions, Section I.A.3	Does the permittee provide prior notice (180 days) to the TCEQ of any change planned in sewage sludge disposal?			
See permit: Sludge Provisions	Has the permittee tested the sewage sludge (using the TCLP) at least once during the term of its permit?			
See permit: Sludge Provisions, Section I.B.1	Is sewage sludge failing the TCLP test managed according to standards of the Resource Conservation and Recovery Act for generators of hazardous waste?			
See permit: Sludge Provisions, Section I.B.1	If a TCLP test fails, does the permittee submit a written report to the Registration and Reporting Section within seven days?			
See permit: Sludge Provisions, Section I.B.1	Does the permittee prepare and submit an annual report on the results of all sludge-toxicity testing by September 30 of each year?			
312.82	Is all sewage sludge that is applied to agricultural land, forest, a public contact site, or a reclamation site treated to ensure that the sludge meets either the Class A or Class B pathogen requirements?			
312.83	Is all bulk sewage sludge that is applied to agricultural land, forest, a public contact site, or a reclamation site treated to reduce vector attraction?			
312.46(a)(1)	Are metal constituents and fecal coliform or <i>Salmonella</i> bacteria monitored according to 312.46(a)(1)?			
312.7	Are representative samples of sewage sludge collected and analyzed according to the methods in 30 TAC 312.7?			
See permit: Sludge Provisions, Section II, C.1	Does the permittee prevent bulk sewage sludge from being applied to agricultural land, forest, a public contact site, or a reclamation site that is flooded, frozen, or snow covered?			
See permit: Sludge Provisions, Section II, C.3	Is bulk sewage sludge applied at or below the agronomic rate of the cover crop?			
See permit: Sludge Provisions, Section II, C.4	If the permittee supplies the sludge to another person who land applies the sludge, does the permittee notify the land applier of the requirements for record keeping found in 30 TAC 312.47 for persons who apply it to land?			
312.48	Does the permittee report to the TCEQ by September 30 of each year the information required in 30 TAC 312.48?			
See permit: Sludge Provisions, Section II, E	Are records maintained monthly and made available to the TCEQ upon request?			
	<b>Requirements Applying to All Sewage Sludge Disposed in an MSW Landfill</b>			
See permit: Sludge Provisions, Section III, A	Does the permittee ensure that the sewage sludge meets the requirements in 30 TAC 330 concerning the quality of the sludge disposed in an MSW landfill?			

Reference *	Monitoring and Reporting Requirements	Yes	No	NA
See permit: Sludge Provisions, Section III, B	Does the permittee provide the owner or operator of the MSW landfill appropriate information needed for the facility to comply with the provisions of the permit (e.g., TCLP test results)?			
See permit: Sludge Provisions, Section III, F	Does the permittee retain the following information for five years: <ul style="list-style-type: none"> <li>• a description (including procedures followed and the results) of all Paint Filter Liquids Tests (U.S. EPA Method 9095B) performed, and</li> <li>• a description (including procedures followed and results) of all TCLP tests performed?</li> </ul> <i>Note:</i> These records must be maintained on-site monthly and be made available to the TCEQ upon request.			
See permit: Sludge Provisions, Section III, G	Does the permittee report annually to the TCEQ by September 30 of each year the following information: <ul style="list-style-type: none"> <li>• TCLP results;</li> <li>• annual sludge production in dry tons/year;</li> <li>• amount of sludge disposed in an MSW landfill in dry tons/year;</li> <li>• amount of sludge transported interstate in dry tons/year;</li> <li>• a certification that the sewage sludge meets the requirements of 30 TAC 330 concerning the quality of the sludge disposed in an MSW landfill;</li> <li>• the identity of each hauler and the transporter registration number;</li> <li>• the owner of the disposal site;</li> <li>• the location of the disposal site; and</li> <li>• each date of disposal?</li> </ul>			
<b>Pretreatment Requirements</b>				
40 CFR* Part 403	If the facility is required to have an approved pretreatment program, does the permit include specific prohibitions and notification requirements?			
	If the facility is a publicly owned treatment works, has it developed a local pretreatment program?			

Use this section to make notes about your findings. If a question does not apply to your facility, mark "NA." Describe all deficiencies or items needing attention and correct them as soon as possible. If reporting is required, see the requirements in the permit.

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\* 40 CFR = 'Title 40, Code of Federal Regulations.'

### Checklist 4: Process Control for Activated-Sludge Facilities

Reference	Process Control (activated sludge)	Yes	No	NA
See permit: Operational Requirement No. 1	Is the quality of the mixed liquor within the recommended range?			
See permit: Operational Requirement No. 1	Is the depth of the clarifier sludge blanket within the recommended range?			
See permit: Operational Requirement No. 1	Is the dissolved-oxygen level in the aeration basin within the recommended range?			
See permit: Operational Requirement No. 1	Are the results of the 30-minute settleability test within the recommended range?			
See permit: Operational Requirement No. 1	Are the pH, chlorine, and dissolved oxygen levels in the effluent compliant with the permitted limitations on effluents?			
See permit: Operational Requirement No. 9	Does the system have enough adequately licensed operators?			
See permit: Operational Requirement No. 1	Does the facility prevent solids from entering the chlorine contact chamber?			
See permit: Operational Requirement No. 1	Does the facility prevent solids from discharging into the receiving waters?			

Use this section to make notes about your findings. If a question does not apply to your facility, mark "NA." Describe all deficiencies or items needing attention and correct them as soon as possible. If reporting is required, see the requirements in the permit.

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### Checklist 5: Texas Land-Application Permits

Reference *	Land-Application Permits	Yes	No	NA
See permit: General Description	Is the irrigated area the same area described and listed in the permit?			
See permit: Special Provisions	Are irrigation practices designed and managed to prevent ponding of final effluent or contamination of ground and surface waters?			
See permit: Special Provisions	Are irrigation practices designed and managed to prevent nuisance conditions in the area?			
See permit: Special Provisions	If necessary, to prevent the discharge of any treated wastewater from the irrigated land, are sufficient, well-maintained tail-water-control facilities available at the irrigation field?			
See permit: Special Provisions	Is treated wastewater applied to the irrigation field only when there is no rainfall or when the ground is not frozen or saturated?			
See permit: Special Provisions	Is treated wastewater applied to the irrigation field at or below the permitted application rate?			
See permit: Special Provisions	Has the permittee installed equipment that measures application rates and maintained accurate records of the volume of final effluent applied to the irrigation field?			
See permit: Special Provisions	Does the permittee maintain records of the application rates for three years?			
See permit: Special Provisions	Do the holding ponds conform to the requirements for stabilization ponds under "Design Criteria for Sewerage Systems" with regard to construction and levee design?			
See permit: Special Provisions	Do holding ponds have at least 2 feet of freeboard?			
See permit: Special Provisions	Are the holding ponds well maintained with regard to erosion control?			
See permit: Special Provisions	Are the holding ponds well maintained with regard to weed and tree control?			
See permit: Special Provisions	Are annual soil samples collected and analyzed each year?			
See permit: Special Provisions	Is each soil boring separated into three samples according to the following depth zones: 0 to 6 inches, 6 to 18 inches, and 18 to 30 inches below the ground surface?			
See permit: Special Provisions	Are the soil samples analyzed for pH, total nitrogen, potassium, phosphorus, and conductivity?			
See permit: Special Provisions	Are the results of the soil samples submitted to the TCEQ regional office and to the Water Quality Compliance Monitoring Team of the Enforcement Division during September of each year?			
See permit: Special Provisions	Does the permittee maintain a long-term contract with the owner of the land-application site that is authorized in the permit, or own the land authorized for application of treated effluent to the land?			
See permit: Special Provisions	If rechlorination of the final effluent (before it enters the irrigation system) is required in the permit, does the permittee maintain a trace chlorine residual in the final effluent at the point of irrigation?			

\* Numbers refer to subsections or subparagraphs of Title 30, Texas Administrative Code.



### Checklist 6: Sludge Management

Reference *	Sludge Management	Yes	No	NA
312.142(a)	Is the sludge being hauled by a properly authorized transporter?			
312.145(a)	Are transporter manifests complete and available for review?			
See permit: Sludge Provisions	Does the facility complete annual sludge report(s) (with attachments) and submit them by September 30 each year?			
See permit: Sludge Provisions, Section III	Have TCLP analyses been completed if sludge is being disposed at an authorized landfill? If yes, are TCLP results available for review?			
See permit: Operational Requirement No. 1	Is the sludge contained within its drying beds (no spills at the centrifuge, belt press or roll-off)?			
See permit: Operational Requirement No. 1	Are the drying beds free from excessive vegetation?			
See permit: Operational Requirement No. 1	Do floor drains discharge to the head of the plant?			
See permit: Operational Requirement No. 1	Do the digesters appear to be properly maintained?			
305.125(4)	Does the facility prevent sludge from entering the receiving stream?			

Use this section to make notes about your findings. If a question does not apply to your facility, mark "NA." Describe all deficiencies or items needing attention and correct them as soon as possible. If reporting is required, see the requirements in the permit.

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\* Numbers refer to subsections of Title 30, Texas Administrative Code.



# Monitoring, Reporting, and Record Keeping

**Table 1: Monitoring and reporting**

Reports, Manuals, Registrations	Parameter	Monitoring Frequency	Reporting Frequency
DMRs*	With copies of supporting data by month	As specified in the permit	Monthly
Monthly effluent reports (MERs)	If applicable, with copies of supporting data by month—form provided by the TCEQ	Monthly	Monthly
Noncompliance notifications†	Bypasses, unauthorized discharges, sanitary sewer overflows, and any effluent violation that deviates from the permitted effluent limitation by 40 percent	As necessary	Orally within 24 hours to the regional office, written within five working days
Soil analysis results	If applicable	Annually on MER form	Annually

## Additional requirements:

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\* TCEQ NetDMR Reporting Requirement Guide: [www.tceq.state.tx.us/assets/public/compliance/netdmr/reportinghelp.pdf](http://www.tceq.state.tx.us/assets/public/compliance/netdmr/reportinghelp.pdf). NetDMR can be accessed at: [www.tceq.texas.gov/goto/netdmr-portal](http://www.tceq.texas.gov/goto/netdmr-portal)>. Blank DMR form: [www.tceq.texas.gov/assets/public/compliance/netdmr/EPA\\_dmr\\_form\\_3320-1\\_rev\\_03-99.pdf](http://www.tceq.texas.gov/assets/public/compliance/netdmr/EPA_dmr_form_3320-1_rev_03-99.pdf)>

† Noncompliance notification: *Unauthorized Discharges and Sanitary Sewer Overflows* (RG-395) [www.tceq.texas.gov/publications/rg/rg-395.html](http://www.tceq.texas.gov/publications/rg/rg-395.html)>.

## Due Dates and Monitoring Tips

**Table 2: Wastewater-permit due dates**

Month	Action
January	<ul style="list-style-type: none"> <li>• Complete sampling by January 31.</li> <li>• Submit December DMR by January 20.</li> <li>• Submit biomonitoring DMR by January 20, if applicable.</li> </ul>
February	<ul style="list-style-type: none"> <li>• Complete sampling by February 28.</li> <li>• Submit January DMR by February 20.</li> </ul>
March	<ul style="list-style-type: none"> <li>• Complete sampling by March 31.</li> <li>• Submit February DMR by March 20.</li> </ul>
April	<ul style="list-style-type: none"> <li>• Complete sampling by April 30.</li> <li>• Submit March DMR by April 20.</li> <li>• Submit biomonitoring DMR by April 20, if applicable.</li> </ul>
May	<ul style="list-style-type: none"> <li>• Complete sampling by May 31.</li> <li>• Submit April DMR by May 20.</li> </ul>
June	<ul style="list-style-type: none"> <li>• Complete sampling by June 30.</li> <li>• Submit May DMR by June 20.</li> </ul>
July	<ul style="list-style-type: none"> <li>• Complete sampling by July 31.</li> <li>• Submit June DMR by July 20.</li> <li>• Submit biomonitoring DMR by June 20, if applicable.</li> </ul>
August	<ul style="list-style-type: none"> <li>• Complete sampling by August 31.</li> <li>• Submit July DMR by August 20.</li> </ul>
September	<ul style="list-style-type: none"> <li>• Complete sampling by September 30.</li> <li>• Submit August DMR by September 20.</li> <li>• Submit annual sludge report by September 30, including addenda.</li> </ul>
October	<ul style="list-style-type: none"> <li>• Complete sampling by October 31.</li> <li>• Submit September DMR by October 20.</li> <li>• Submit biomonitoring DMR by October 20, if applicable.</li> </ul>
November	<ul style="list-style-type: none"> <li>• Complete sampling by November 31.</li> <li>• Submit October DMR by November 20.</li> </ul>
December	<ul style="list-style-type: none"> <li>• Complete sampling by December 31.</li> <li>• Submit November DMR by December 20.</li> </ul>

### Table 3: Stormwater-permit due dates

You must have stormwater coverage if your design flow is 1 million gallons per day or more. For specific requirements, see the *TPDES Multi-Sector General Permit, TXR050000* at <[www.tceq.state.tx.us/goto/ind-sw](http://www.tceq.state.tx.us/goto/ind-sw)>.

Quarter	Action
First quarter— January, February, March	<ul style="list-style-type: none"> <li>• Complete quarterly visual monitoring before March 31.</li> <li>• Check rain gauge weekly or daily during storms.</li> <li>• File your annual hazardous-metals numeric effluent results in your SWP3 for previous year by March 31.</li> <li>• Submit benchmark results for the previous year by March 31.</li> <li>• Conduct periodic or annual inspection as required in your SWP3 by March 31.</li> </ul>
Second quarter— April, May, June	<ul style="list-style-type: none"> <li>• Complete quarterly visual monitoring before June 30.</li> <li>• Check rain gauge weekly or daily during storms.</li> <li>• Conduct periodic or annual inspection as required in your SWP3 by June 30.</li> </ul>
Third quarter— July, August, September	<ul style="list-style-type: none"> <li>• Complete quarterly visual monitoring before September 30.</li> <li>• Check rain gauge weekly or daily during storms.</li> <li>• Conduct periodic or annual inspection as required in your SWP3 by September 30.</li> </ul>
Fourth quarter— October, November, December	<ul style="list-style-type: none"> <li>• Complete quarterly visual monitoring before December 31.</li> <li>• Check rain gauge weekly or daily during storms.</li> <li>• Collect annual metal numeric effluent limitation sample by December 31.</li> <li>• Conduct periodic or annual inspection as required in your SWP3 by December 31.</li> </ul>

## SSOs and Unauthorized Discharges: Questions and Answers

### What is an SSO?

A sanitary-sewer overflow is a type of unauthorized discharge of untreated or partially treated wastewater from a collection system or its components

(e.g., a manhole, lift station, or cleanout) before it reaches a wastewater treatment facility [Texas Water Code, Paragraph 26.049(e)(4)].

SSOs can occur if there is significant inflow or infiltration; the collection system is poorly maintained; there is blockage due to grease, roots, items such as diapers and wipes that should not be flushed, etc.; or the system lacks adequate capacity to collect, store, or treat increased influent.

## What is an unauthorized discharge?

Any discharge of wastewater into or adjacent to any water in the state at a location not permitted as an outfall [Clean Water Act, Section 301(a) or Texas Water Code, Section 26.121].

## What do I do if our system has an SSO or unauthorized discharge?

Any unauthorized discharge or SSO must be reported, regardless of volume, as federal and state regulations have no minimum reportable volume. In addition, any discharge that meets the criteria for volume specified in 30 TAC 319.302 must also be reported to the appropriate local government officials and local media.

Report SSOs or unauthorized discharges (regardless of the volume) to your regional TCEQ office orally or by fax during normal business hours (8 a.m. to 5 p.m. Monday through Friday) as soon as possible, but no later than 24 hours after the discharge. To locate your TCEQ regional office online, go to <[www.tceq.texas.gov/goto/regioncounty](http://www.tceq.texas.gov/goto/regioncounty)>. If the unauthorized discharge or SSO occurs after normal business hours, you must notify your local regional office by phone. (Be sure to note the date and time of your call in your records.) Recorded messages at each regional office explain how to notify us.

Facilities are required to follow up by submitting a written report to the regional office and the TCEQ's Enforcement Division in Austin within five days. Although not required, you can use form TCEQ-00501 if you need help with submitting a written report. The form is available at <[www.tceq.texas.gov/assets/public/compliance/enforcement/forms/00501.doc](http://www.tceq.texas.gov/assets/public/compliance/enforcement/forms/00501.doc)>.

## Where can I find guidance on SSOs and unauthorized discharges?

The TCEQ has developed publication RG-395, *Unauthorized Discharges and Sanitary Sewer Overflows*, to help you understand

the reporting and record-keeping requirements. It is available online at <[www.tceq.gov/goto/rg-395](http://www.tceq.gov/goto/rg-395)>. You can also find reporting forms, resources for developing an SSO plan, and funding information on our website at <[www.tceq.texas.gov/goto/ssoinitiative](http://www.tceq.texas.gov/goto/ssoinitiative)>.

## What is the TCEQ SSO Initiative?

The SSO initiative is a voluntary program initiated in 2004 to address increases in SSOs due to aging collection systems throughout the state and encourage corrective action before there is harm to human health, safety, or the environment. For more information on the program, go to <[www.tceq.texas.gov/goto/ssoinitiative](http://www.tceq.texas.gov/goto/ssoinitiative)>.

## When to Notify the TCEQ or Take Other Action

As an owner or operator of a domestic wastewater system, there are times when you are required to notify the TCEQ or take other action. Reporting within specified time frames or taking action as specified in your permit is critical to compliance. Failing to notify the TCEQ or failing to take necessary actions can be violations in themselves.

- If 75 percent of the permitted daily or annual average flow occurs for three consecutive months, initiate engineering and financial planning for expansion or upgrading (or both) or obtain a waiver [30 TAC 305.126(a)].
- If 90 percent of the permitted daily or annual average flow occurs for three consecutive months, obtain authorization from the TCEQ to commence construction of the necessary additions. You may also seek a variance at this time, if necessary [30 TAC 305.126(a)].
- At least 180 days before the date your wastewater permit expires, you must submit a renewal application to the TCEQ for the agency to extend your coverage administratively while it processes the renewal (30 TAC 305.63).
- If you have any noncompliance that endangers human health or the environment, notify the TCEQ regional office orally or by fax within 24 hours, and send a written report within five working days to both your TCEQ regional office and the Enforcement Division. Violations that must be reported under this requirement include:
  - a discharge from an unauthorized location
  - any sanitary-sewer overflow
  - an unanticipated bypass at your plant that exceeds any effluent limitation

- a violation of the daily maximum permitted limit for a toxic or organic parameter
- If you deviate 40 percent or more from any permitted effluent limitation, report it in writing to the TCEQ regional office and the Enforcement Division within five working days of becoming aware of the noncompliance. EPA referral criteria are defined for pollutants listed in Appendix A of the EPA's General Design for Significant Noncompliance Redefinition Enhancement, revised December 16, 1996: <[www.tceq.texas.gov/goto/eic](http://www.tceq.texas.gov/goto/eic)>.
- Report any corrections, missing data, or omissions promptly to the Enforcement Division (30 TAC 305.125).
- If signatory authority for DMRs or other reports is delegated to someone other than the principal executive officer, notify TCEQ in writing or through the NetDMR system (30 TAC 305.44). To notify the TCEQ in writing the signatory authority form appears at <[www.tceq.state.tx.us/assets/public/assistance/sblga/20431.pdf](http://www.tceq.state.tx.us/assets/public/assistance/sblga/20431.pdf)>.
- Notify the Water Quality Division if you have pretreatment requirements and you find any new industrial users, or a change in the quality or quantity of industrial pollutants, or if there is a new introduction of pollutants into the plant from an indirect discharger subject to pretreatment rules.
- Check the "Other Requirements" section of your TPDES wastewater permit and submit any required reports, notification, or other information as required.
- Before any change to treatment, equipment, or disposal of effluent or sludge, consult with the Water Quality Division or the TCEQ regional office (or both), as the change may require a permit amendment [30 TAC 305.62(a)].

## I Need More Help with Compliance

You can find more help at our Wastewater Treatment Plants: Compliance Resources Web page at <[www.tceq.texas.gov/goto/wwtp-compliance](http://www.tceq.texas.gov/goto/wwtp-compliance)> for small-business owners and local governments that operate wastewater-treatment facilities in Texas. Some of these resources include:

- wastewater compliance spreadsheets for discharge and land-application permits
- information on bacteriological testing and reporting
- troubleshooting bacteria effluent
- reports and forms
- information on permits
- information on funding sources
- information on in-house and on-site laboratories

SBLGA assists small businesses and local governments through its EnviroMentor Program. This assistance is free and confidential and does not lead to inspections, citations, or fines.

EnviroMentors are qualified professionals with technical or legal expertise on environmental issues who volunteer to help small businesses, local governments, and independent school districts with state environmental rules. Many EnviroMentors are private-sector consultants—some are engineers; others are successful professionals (for example, a wastewater-system operator) who provide peer-to-peer advice.

To receive free, confidential help from environmental professionals, you must:

- be a small business with 100 or fewer employees, or a local government
- be committed to complying with state rules to protect the environment, and to correcting violations as soon as possible
- be unable to afford to hire a consultant

Call the SBLGA's confidential hotline at 800-447-2827 to see if you qualify for help from one of our EnviroMentors.

## Wastewater Violations: Questions and Answers

### I received a Notice of Violation for my wastewater-treatment plant. Is it serious?

It depends on the type of violation. An NOV means your facility is out of compliance with one or more rules. Violations are categorized based on the severity of their threat to human health or the environment. Category A violations are the most serious, while category B and C violations pose a less severe threat.

### I received a Notice of Enforcement instead of an NOV, what does that mean?

If we identify Category A or consecutive repeat B violations during an inspection or a records review, we will send you an NOE instead of an NOV. Note that an NOE is **associated with a penalty**.

## How do I respond to an NOV or an NOE?

You (the regulated entity or “respondent”) must respond to the NOV or NOE, preferably in writing, within a set compliance period. The NOV or NOE will let you know that you may request a meeting to discuss your case if you believe the violations were cited in error or have new information that was not previously evaluated. If violations issued under an NOV are not resolved within the requested time frame, you may then be issued an NOE and assessed a financial penalty.

## What does “enforcement” mean?

“Enforcement” is the process we use to respond to serious or continuing environmental violations by requiring corrective actions and by assessing monetary penalties against businesses or individuals for those violations.

## What is an “enforcement action”?

An “enforcement action” is an action we take to obtain a legally binding obligation from a person or organization to achieve and maintain compliance.

## How does the TCEQ determine whether an enforcement action is warranted?

The TCEQ conducts three different types of investigations. Any of these may prompt the agency to initiate enforcement action:

- on-site field investigations including
  - comprehensive compliance investigations
  - focused investigations
  - reconnaissance investigations
- investigations based on citizen complaints
- investigations through record reviews

## I haven’t had an investigation, but I got an NOV. How did that happen?

The third type of investigation involves a review of records to evaluate compliance. These investigations do not include an on-site investigation. If the records review determines that reports sent in to the TCEQ are missing information or have not been submitted at all, you may receive a violation.

## **Where can I find examples of the different types of violations for wastewater: A, B, and C?**

The Enforcement Initiation Criteria comprise a system for classifying violations by severity (A, B, or C), so we can determine the appropriate level of enforcement for each violation. You may review the entire EIC online at <[www.tceq.texas.gov/goto/eic](http://www.tceq.texas.gov/goto/eic)>.

## **I have a fine. What are my options?**

Pay the fine. Sometimes the TCEQ will defer part of the fine for prompt response. If you can't pay all or part of the proposed fine, you may speak with your enforcement coordinator about "claiming financial inability to pay" and what documents are needed for evaluating your claim. A payment plan may be another option. Payment plans are frequently worked out between respondents and their enforcement coordinator if they indicate that they cannot pay the entire penalty in one payment. You can also participate in a Supplemental Environmental Project.

## **What is a Supplemental Environmental Project?**

A SEP is a project that prevents pollution, reduces the amount of pollution reaching the environment or enhances its quality, or contributes to public awareness of environmental matters. You may negotiate an agreement to perform a SEP in return for an offset of the administrative penalty; local governments may be able to offset 100 percent. It is extremely important to contact your enforcement coordinator to see if you are eligible for a SEP project. Visit the SEP Web page for more information at <[www.tceq.texas.gov/legal/sep](http://www.tceq.texas.gov/legal/sep)>.

## **When is an agreement made?**

An agreed order is used when you agree to the terms and conditions of the administrative order, including the penalty. Once you agree with the terms and conditions set forth in the proposed agreed order and the penalty amount, the case is set for approval at either the TCEQ commissioners' or the executive director's agenda meeting, held monthly in our central office. The commissioners or the executive director makes a final decision about the penalty the respondent must pay. After the agenda meeting, you can settle the case by paying the penalty and signing the order within 60 days of receiving it.

## Can I contest the enforcement action?

Yes, if you contest the enforcement action or do not settle the case within 60 days of the date on the letter, the case is referred to our Litigation Division. You may request an administrative hearing, which is held in front of an administrative law judge with the State Office of Administrative Hearings. However, a settlement could still occur at any time before a final decision on the enforcement order. You will receive an Executive Director's Preliminary Report and Petition (EDPRP), notifying you of the violations and the penalty assessed and of any corrective actions needed to come into compliance with the regulations. This document is not an order, but a petition filed with our Chief Clerk's Office to start the administrative-hearing process. After the hearing, the judge makes a recommendation to the TCEQ commissioners about an enforcement order. At an agenda meeting, the commissioners consider this recommendation and then make the final decision whether to issue, deny, or modify the judge's decision.

## What is a default order?

If a respondent does not file a timely answer to the EDPRP, the commissioners may issue a default order. If the respondent fails to comply with the default order, then the executive director may refer the case to the Office of the Attorney General for civil enforcement in a court of law.

## When does the process end for an enforcement case with an agreed order?

Once the respondent complies with the enforcement order, including payment of any penalty and compliance with all technical requirements of the order, the TCEQ will send a letter to the respondent indicating that the requirements of the enforcement order have been fulfilled. The respondent is responsible for meeting the terms of the agreed order for five years after its effective date.

## Where can I get more information about investigations, violations, and enforcement?

The publications *The TCEQ Has Inspected Your Business. What Does This Mean to You?* (RG-344) and *Penalty Policy* (RG-253) discuss the investigation and enforcement process. These publications can be viewed or downloaded at <[www.tceq.texas.gov/publications/search\\_pubs.html/#number](http://www.tceq.texas.gov/publications/search_pubs.html/#number)> by entering the publication number in the search box. You may also call 512-239-0028 to get a copy.

# Example: Wastewater Enforcement Scenario

## Purpose

The purpose of this scenario is to show how a small domestic wastewater system can go to enforcement for reporting violations found during a TCEQ records review, even when no major violations are discovered during an investigation.

## Background on the wastewater system

Coldwater Creek Wastewater Treatment Plant is a fictitious wastewater treatment system that serves 5,000 customers on the outskirts of Medium City. While the regional investigator conducted a comprehensive compliance investigation, the TCEQ's central office staff conducted a records review.

## Violations found during a comprehensive compliance investigation

The wastewater system underwent a routine compliance investigation by regional TCEQ personnel, which uncovered the following violations:

- The grass around the wastewater-treatment plant had not been mowed and was overgrown to the point that it might restrict the observation of any discharge or structural problem.
- The effluent flow meter had not been calibrated within the last year.

## Actions taken to resolve the violations

Within a week of the investigation, the wastewater system corrected the violations and documented its compliance **in writing** by submitting photographs of the freshly mowed grass around the plant and a certificate of calibration for the meter.

## Did the wastewater system receive a formal notice of violation from the investigation?

Because the system resolved the violations so quickly, it may not be issued a formal NOV; however, the regional office may still send a letter detailing the violations, noting them as resolved, and informing the system that no further corrective action is needed.

## **Was an enforcement action initiated due to the investigation findings?**

No. The investigation didn't result in an NOE. However, during the records review of DMRs, the facility exceeded the monthly average effluent limit by more than 40 percent during the first two quarters of the year. The wastewater system received an NOE from the TCEQ's Enforcement Division for violating the monthly average limits specified in the permit, a Category A violation. The NOE resulted in an agreed order.

## **The system resolved the violations—why is it in enforcement?**

Enforcement actions can be initiated either as a result of an on-site investigation **or** from a records review conducted by the TCEQ's regional or central office. In this scenario, the system resolved the violations noted by the regional investigator, but still received an NOE because of the records review by the central office.

## **How were the violations resolved?**

The system agreed to an order requiring the wastewater system to pay a penalty and maintain and report compliance with its monthly DMR. This requirement will be satisfied when the system signs and returns the order, pays the penalty or initiates a SEP, and submits two consecutive quarters of compliant reporting.

## **Conclusion**

A records review conducted by the regional or central office in Austin can generate its own set of enforcement actions.

**For More Information**

For confidential assistance with environmental compliance, contact the Small Business and Local Government Assistance Hotline at 800-447-2827, or visit <[www.TexasEnviroHelp.org](http://www.TexasEnviroHelp.org)>.