

Texas Commission on Environmental Quality
Investigation Report
Live Oak Resort, Inc.
CN600699789

LIVE OAK RESORT

RN101269926

Investigation # 1073983

Incident # 178463

Investigator: WILSON SNYDER

Site Classification

DOMESTIC WASTEWATER

Conducted: 02/06/2013 -- 02/06/2013

NAIC Code: 221310

Program(s): WASTEWATER

Investigation Type : Compliance Investigation

Location : 97510 LONE STAR RD,
WASHINGTON, TX 77880

Additional ID(s) :

Address: ; ,

Activity Type : REGION 09 - WACO
WWCMPL - WW ComplaintPrincipal(s) :

Role	Name
RESPONDENT	LIVE OAK RESORT INC

Contact(s) :

Role	Title	Name	Phone
Regulated Entity Mail Contact	PRESIDENT	MR LARRY HILDEBRAND	Work (936) 878-2216 (936) 878-2788
Participated in Investigation		TIFFANY LANDRY	

Other Staff Member(s) :

Role	Name
QA Reviewer	MATTHEW VAUGHN
Investigator	GEORGE LOGAN
Supervisor	FRANK BURLESON

Associated Check List

<u>Checklist Name</u>	<u>Unit Name</u>
WQ COMPLAINT INVESTIGATION	RN101269926

Investigation Comments :

INTRODUCTION

On January 23, 2013, the Texas Commission on Environmental Quality (TCEQ) Waco Regional Office received a complaint (Incident No. 178463) alleging discharges of wastewater from the septic systems at Live Oak Resort. The complainant was contacted on January 25, 2013.

GENERAL FACILITY AND PROCESS INFORMATION

Live Oak Resort, Inc. is located at 9751 Lone Star Road in Washington County, 8 miles west of the City of Navasota. The resort is a private, gated community. The wastewater generated at the resort is disposed into on-site sewerage facilities (OSSF's). No plans or drawings of the OSSF's have been provided to the TCEQ, but the OSSF's are said to consist of 13 septic tanks and

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associated drain fields. By statement from Tiffany Landry, Live Oak Resort, on February 6, 2013, the following facilities are connected to the OSSF's: 23 mobile homes, 59 permanent RV sites, 23 transient RV sites, 1 café, 11 cabins, 1 pavilion, 1 "Miller" house, 3 bath houses, 1 pool/sauna/bath house, 1 employee house, 1 laundry room, 1 office.

BACKGROUND INFORMATION

On February 24, 2009, the TCEQ Waco Regional Office received a complaint (Incident No. 123812) alleging that the septic system was not being operated correctly and that the facility's water use was greater than 5000 gallons per day. On March 27, 2009, the investigator contacted Mr. Larry Hildebrand, owner, in order to determine if Live Oak Resort, Inc. would be required to obtain a Texas Pollution Discharge Elimination System (TPDES) Permit for their OSSF. Mr. Hildebrand informed the investigator that the Resort is located on one track of land and typically there are approximately 30 people living at the resort. He indicated that his water usage never reaches 5,000 gallons per day. Mr. Hildebrand stated that he has multiple wells on his property. He stated that water from the wells is utilized for the drinking water system and irrigation. Mr. Hildebrand indicated that he did not have records of water usage; therefore, on March 27, 2009, the investigator reviewed the Live Oak Resort, Inc. Water System Data Sheet in order to determine the approximate daily water use/consumption. The TCEQ Water System Data Sheet indicates that Live Oak Resort, Inc. had an approximate daily consumption rate of 1000 gallons per day. As a result of the investigation, it was determined that Live Oak Resort, Inc. was not required to obtain a TCEQ TPDES Permit. A General Compliance Letter was sent to the regulated entity.

ADDITIONAL INFORMATION

On February 6, 2013, Wilson Snyder and Fred Logan conducted an on-site investigation at Live Oak Resort. Ms. Tiffany Landry was present for the investigation. At the time of the investigation, specific points where problems were alleged to exist were examined. The investigators noted a smell of sewage by Lot 10. Lot 10 is located next to a leach field, which is adjacent and to the west of a creek. The creek is an unnamed tributary to Coles Creek, a tributary of the Brazos River, Segment 1242, Brazos River Basin. The creek contained a pool of water. There was neither flow from upstream nor any continued flow downstream. The pool appeared to be created by seepage from the west bank of the creek immediately adjacent to the leach field. The pool was sampled for E. coli and chemical analyses. In situ measurements for temperature, dissolved oxygen, pH, and conductivity were also taken. The seepage was sampled for E. coli. The results showed extremely high concentrations of E. coli in the pool and in the seepage (4,106,000 mpn/100ml and 6,488,000 mpn/100 ml respectively). The pool also had a high ammonia concentration (45.4 mg/l).

On the southern side of the camp, 2 PVC pipes opened to the creek. One was discharging to the creek. The creek is an unnamed tributary to Coles Creek, a tributary of the Brazos River, Segment 1242, Brazos River Basin. Ms. Landry stated that she did not know the origin of the water. The discharge was sampled for chemical

analyses and E. coli. In situ measurements for temperature, dissolved oxygen, pH, and conductivity were also taken. The creek was sampled downstream of the discharge for E. coli analysis. The discharge and the creek had high levels of E. coli (325,500 mpn/100 ml and 559,715 mpn/100 ml respectively). Chemical analyses of the discharge showed an ammonia concentration of 30.3 mg/l. The creek had no flow upstream of the discharge. The discharge rate was 2 gallons per minute.

Septic tank caps were observed between lot 4 and lot 5. Ms. Landry did not know where the drain field was located for those tanks. The adjacent drainage ditch was dry. In the area of lot 10, 2 lines from permanent mobile home sites were connected to storm drains that exit to the creek. Ms. Landry stated she did not know the purpose of the drain lines.

An exit interview was conducted at the end of the investigation. Ms. Landry was present during the exit interview. Ms. Landry was informed that the number of connections to the wastewater system(s), have the potential to generate more than 5,000 gallons per day of wastewater based on Table 3 of the 30 TAC 285 rules. Systems receiving or treating more than 5000 gallons per day do not meet the definition of an OSSF and require authorization by a TPDES permit. Ms.

Landry was also informed that the discharge to the creek from the area of a leach field was noted as a potential unauthorized discharge of wastewater. Tests have now confirmed that the discharge was wastewater. Also, the discharge from the PVC pipe was shown by analyses to be contaminated with bacteria and is now considered an unauthorized discharge from an unknown source.

Ms. Landry later provided records of meter readings from the resort's two wells for the months of July through August 2012. For July, readings were taken on July 1 and July 29. This 28 day span showed the volume used from each well to be 34,160 gallons and 5,190 gallons respectively. This is a daily pumpage of 1405 gallons. For August, readings were taken on August 4 and August 26. This 22 day span showed the volume used from each well to be 120,840 gallons and 14,730 gallons respectively. This is a daily pumpage of 6162 gallons. For the month of September, well pumpage averaged 2,707 gpd. Meter problems were noted for the month of October. Use of the well water includes irrigation of lawns.

The excessively high E. coli results demonstrated a serious impact to the environment. As a result, Live Oak Resort was referred to the Enforcement Division. A Notice of Enforcement was sent to the regulated entity.

NOE Date: 4/8/2013

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

Track No: 495972

Compliance Due Date: To Be Determined

Violation Start Date: 2/6/2013

2D TWC Chapter 26.121(a)

Alleged Violation:

Investigation: 1073983

Comment Date: 04/04/2013

Failure to prevent an unauthorized discharge of wastewater into or adjacent to water in the state.

A discharge was observed from the area of a leach field into a tributary of Coles Creek. Also, a discharge was observed from a PVC pipe to a tributary of Coles Creek. E. coli sample results demonstrated a serious impact to the environment.

Recommended Corrective Action: Cease the unauthorized discharge of wastewater.

Signed

Wilson Snyder
Environmental Investigator

Date

4/5/13

Signed

AK
Supervisor

Date

4/19/13