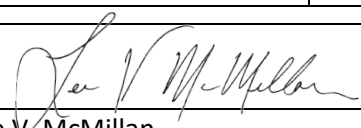
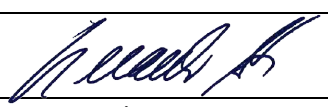


**Region 6 Enforcement and Compliance Assurance Division
INSPECTION REPORT**

Inspection Date(s):	04/16/2019		
Media:	FIFRA		
Regulatory Program(s)	Section 12		
Company Name:	City of Lewisville		
Facility Name:	Department of Public Services - Water Production		
Facility Physical Location:	1400 N. Cowan Avenue.		
(city, state, zip code)	Lewisville, TX 75057		
Mailing address:	P.O. Box 299002		
(city, state, zip code)	Lewisville, TX 75029-9002		
County/Parish:	Denton County		
Facility Contact:	Kelly Rouse	Facility Contact:	
	krouse@cityoflewisville.com		
FRS Number:	N/A		
Identification/Permit Number:	N/A		
Media Number:			
NAICS:			
SIC:			
Personnel participating in inspection:			
Kelly Rouse	Water Production	Superintendent	(972) 219-3540
Trever Heskett	Water Production	Foreman	(972) 219-3540
Jordan Strickler	Department of Public Services	Environmental Control Services Manager	(972) 219-3509
Lee McMillan	EPA Region 6 – Pesticide Enforcement	Environmental Engineer/Inspector	(214) 665-6404
Chuck Ruple	EPA Region 6 – Pesticide Enforcement	Environmental Scientist/Inspector	(214) 665-6534
Henry Krusekopf	Texas Department of Agriculture - Pesticides	Assistant Regional Director	(214) 631-0265
EPA Lead Inspector Signature/Date	 Lee V. McMillan		6/3/2019
			Date
Supervisor Signature/Date	 H. Troy Stuckey		6/3/2019
	Acting for Troy		Date

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

EPA Region 6 inspectors, Lee McMillan and Chuck Ruple arrived at the City of Lewisville Water Production facility at 9:31 AM on April 16, 2019 for an announced joint inspection with Texas Department of Agriculture inspector, Henry Krusekopf. We met with Kelly Rouse, Superintendent, Trever Heskett, Foreman, and Jordan Strickler, Department of Public Services Environmental Control Services Manager. I presented my credentials to Kelly Rouse along with a Notice of Inspection and informed him that this was an EPA inspection to investigate a potential unregistered pesticide. The scope of the inspection is the evaluation of the facility's copper-ion generator used to treat zebra mussels in the water treatment process.

FACILITY DESCRIPTION

Lewisville's public water utility is operated by the city and funded by the utility customers' water rates. Lewisville subscribes to 9 million gallons per day of Dallas Water Utilities' treated water, which provides most of the city's water during winter months. Most of that treated water is pumped from the Elm Fork of the Trinity, just above Carrollton Dam, and treated in Dallas' treatment plant. In addition, Lewisville has its own treatment plant which can produce 20 million gallons per day. That plant draws water through two intake structures on Lewisville Dam, one owned by the city, and one shared with Upper Trinity Water District. The city's plant produces most of the water in the summer when demand is higher for irrigation. The City of Lewisville has 15 staff member which operate the water production facility.

Section II – OBSERVATIONS

At approximately 10:00 AM I toured the Lewisville water intake areas along with the City of Lewisville staff, EPA and TDA inspectors. I viewed the Lewisville Intake Area Station and the Lewisville/Upper Trinity Water District (Trinity) Shared Intake Station. Both intake station housed the Fortress Mussel Control (MC) systems. However only the copper ion generator system housed in the Lewisville water intake system was online at the time of the inspection. The Lewisville/Trinity shared intake copper-ion generator had not been active since the initial installation testing.

The copper-ion generator system uses a split stream system. I was informed that the Lewisville Intakes pump about 2 million gallons per day into the treatment plant via two injection points. The Fortress MC system takes a split stream of the water and generates five to 10 part per billion of colloidal copper solution and injects it back into the system to treat the water for zebra mussels. Once the water is treated any zebra mussels will be removed from the system at the treatment plants settling tank. The sludge from the settling tank is then disposed of as solid waste.

I also observed carbon slurry tanks at each of the intake pumping stations. The water production facility used the carbon to mainly treat the water for taste.

Section III – AREAS OF CONCERN

I observed the installation of two Fortress MC system copper-ion generators for the control of zebra mussels at the Lewisville water production facility. However, only one of the generators was active at the time of the inspection. Neither of the Fortress MC systems had pesticide registration under the regulations of FIFRA. Both generators are potentially in violation of FIFRA because at the time of the inspection they were unregistered pesticides. Inspector Ruple and I made the facility aware of the status of the generators and presented the facility with a copy of the Federal Register Notice [EPA- HQ--OPP- 2007--0949; FRL-8149-4]: Pesticide Registration; Clarification for Ion-Generating Equipment. The inspection was concluded at approximately 11:30 AM and I exited the facility.

Section IV – FOLLOW UP

The following information was received by EPA after exiting the Facility on April 16, 2019:

- City of Lewisville Procurement Package (January 2016)
- ONG Sole Source Letter
- ONG Proposal Bid Package for Copper Ion Generator (RFP No. 16-14-Z) (CBI)
- ONG Insurance Bonding Package
- Lewisville City Council Meeting Agenda for February 15, 2016 and Approval Contract with ONG
- Commissioning Correspondence Email (dated 8/2/2017)
- Copper Ion Generation Report for the Fortress MC System (CBI)
- Fortress MC Ion Chamber Cleaning Instructions (CBI)

Section V – LIST OF APPENDICES

Appendix 1 – Photo Log – 7 photos taken

Appendix 2 – Notice of Inspection

Appendix 1

Photograph Log



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 1

Location: Lewisville Water Production Plant		
City: Lewisville	County/Parish: Denton	State: Texas



Photo File Name: H:\6PD\6MM-XP\Enforcement\ENFORCEMENT SENSITIVE\FY2017\2017-084

Lewisville, TX Copper Ion Generator\Lewisville Water Plant Pictures 4-16-19\DSC_0071.JPG

Date of Photo: April 16, 2019

Time of Photo: 10:12 AM

Photographer: Chuck Ruple

Description: Lewisville Water Intake Station pumps



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 2

Location: Lewisville Water Production Plant		
City: Lewisville	County/Parish: Denton	State: Texas



Photo File Name: H:\6PD\6MM-XP\Enforcement\ENFORCEMENT SENSITIVE\FY2017\2017-084
Lewisville, TX Copper Ion Generator\Lewisville Water Plant Pictures 4-16-19\DSC_0076.JPG
Date of Photo: April 16, 2019
Time of Photo: 10:15 AM
Photographer: Chuck Ruple
Description: Lewisville Water Intake Station Colloidal copper solution injection point #1



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 3

Location: Lewisville Water Production Plant		
City: Lewisville	County/Parish: Denton	State: Texas



Photo File Name: H:\6PD\6MM-XP\Enforcement\ENFORCEMENT SENSITIVE\FY2017\2017-084
Lewisville, TX Copper Ion Generator\Lewisville Water Plant Pictures 4-16-19\DSC_0078.JPG
Date of Photo: April 16, 2019
Time of Photo: 10:16 AM
Photographer: Chuck Ruple
Description: ONG Fortress MC control panel located at the Lewisville Water Intake Station



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 4

Location: Lewisville Water Production Plant		
City: Lewisville	County/Parish: Denton	State: Texas



Photo File Name: H:\6PD\6MM-XP\Enforcement\ENFORCEMENT SENSITIVE\FY2017\2017-084
Lewisville, TX Copper Ion Generator\Lewisville Water Plant Pictures 4-16-19\DSC_0084.JPG

Date of Photo: April 16, 2019

Time of Photo: 10:30 AM

Photographer: Chuck Ruple

Description: Copper Ionization Chamber housed in the Lewisville/Trinity Shared Water Intake Station



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 5

Location: Lewisville Water Production Plant		
City: Lewisville	County/Parish: Denton	State: Texas



Photo File Name: H:\6PD\6MM-XP\Enforcement\ENFORCEMENT SENSITIVE\FY2017\2017-084
Lewisville, TX Copper Ion Generator\Lewisville Water Plant Pictures 4-16-19\DSC_0085.JPG
Date of Photo: April 16, 2019
Time of Photo: 10:30 AM
Photographer: Chuck Ruple
Description: Copper-ion generator flow meter in the Lewisville/Trinity Shared Water Intake Station



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 6

Location: Lewisville Water Production Plant		
City: Lewisville	County/Parish: Denton	State: Texas



Photo File Name: H:\6PD\6MM-XP\Enforcement\ENFORCEMENT SENSITIVE\FY2017\2017-084
Lewisville, TX Copper Ion Generator\Lewisville Water Plant Pictures 4-16-19\DSC_0086.JPG

Date of Photo: April 16, 2019

Time of Photo: 10:31 AM

Photographer: Chuck Ruple

Description: Copper Ionization Chamber Label view in the Lewisville/Trinity Shared Water Intake Station

Appendix 2

Notice of Inspection



United States
ENVIRONMENTAL PROTECTION AGENCY

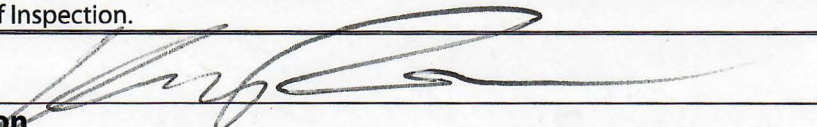
Washington, DC 20460

Notice of Inspection

Office of Enforcement and Compliance Assurance

Facility Name City of Lewisville Water Department	Facility Address 1400 North Cowan Street Lewisville, TX 75057
Name of Facility Official Kelly Rouse	Title Water Production Superintendent

By my signature, I represent that I am an owner, operator or agent in charge of the facility being inspected, and attest that the EPA, Designated State or Political Subdivision Employee or Officer identified on this form presented his or her credentials prior to issuing this Notice of Inspection.

Facility Official's Signature: 

Authority for Inspection

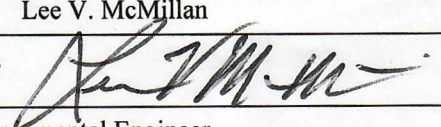
For the purpose of inspecting and obtaining samples of any pesticides or devices packaged, labeled and released for shipment, and samples of any containers or labeling for such pesticides or devices, in places where pesticides or devices are held for distribution or sale [FIFRA § 9(a) (7 U.S.C. § 136g)]; and for the purpose of inspecting and obtaining copies of those records specified in FIFRA § 8 (7 U.S.C. § 136f) and 40 C.F.R. Part 169.

Reasons for Inspections (Check applicable boxes)

- | | |
|--|--|
| ☐ Routine Inspection | Violation |
| ☒ For Cause Inspection | Suspected: FIFRA Section 12 (a)(1)(A) - Unregistered Pesticide |

Additional Information:

Reviewing process associated with copper ion-generator used in water treatment.

Name of Inspector	Lee V. McMillan
Signature of Inspector 	Date April 16, 2019
Title Environmental Engineer	Time 9:35 AM
Address 1445 Ross Ave., Ste. 1200, Dallas TX 75202	

Note: The absence of a Facility Official's signature on this form does not invalidate this Notice of Inspection, or establish that consent to the inspection was not provided or that the proper procedures were not followed.