

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2005-0887-MWD-E TCEQ ID NO.: RN102285814 CASE NO.: 25471

RESPONDENT NAME: CHILTON WATER SUPPLY AND SEWER SERVICE CORPORATION

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: approximately 0.7 mile east of State Highway 77 and one mile south of the City of Chilton, Falls County</p> <p>TYPE OF OPERATION: Wastewater Treatment Plant</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on May 26, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Mary E. Coleman, Litigation Division, MC R-4, (817) 588-5917 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873 TCEQ Enforcement Coordinator: Mr. Michael Meyer, Waste Enforcement Section, MC 128, (512) 239-4492 TCEQ Regional Contact: Mr. Frank Bursleson, Waco Regional Office, MC R-9, (254) 761-3001 Respondent: Mr. Woodson Bray, Secretary/Treasurer, Chilton Water Supply and Sewer, 131 County Road 4022, Chilton, Texas 76632 Respondent's Attorney: Not represented by counsel on this enforcement matter.</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: N/A</p> <p>Dates of Investigation Relating to this Case: February 9, 2005</p> <p>Date of NOE Relating to this Case: April 15, 2005</p> <p>Background Facts: The case was referred to the Litigation Division on November 29, 2005. The EDP RP was filed on January 18, 2006. Settlement was achieved and the Agreed Order was set for the June 13, 2007, agenda. Changes were made to the Technical Requirements, and a corrected Agreed Order was received on March 24, 2008.</p> <p>MWD</p> <p>1. Failed to prevent the discharge and accumulation of solids in the receiving stream and unauthorized discharges which had occurred around the influent bar screen and aeration basin [30 TEX. ADMIN. CODE § 305.125(1); TEX. HEALTH & SAFETY CODE § 26.121(a)(1); and TPDES Permit No. 10811-001, Effluent Limitations and Monitoring Requirements No. 1, 2, and 4, Operational Requirements No. 1, Permit Conditions No. 2.g].</p> <p>2. Failed to ensure that all systems of collection, treatment and disposal are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. 10811-001, Operational Requirement No. 1].</p> <p>3. Failed to have records available for review by a TCEQ representative during the investigation conducted on February 9, 2005 [30 TEX. ADMIN. CODE §§ 305.125(1); 319.4, 319.7(a) and (c), and 319.11(b), and TPDES Permit No. 10811-001, Monitoring and Reporting Requirements Nos. 2, 3.b., and 3.c.].</p>	<p>Total Assessed: \$22,750</p> <p>Total Deferred: \$19,150 <input type="checkbox"/> Expedited Settlement <input checked="" type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid/Due to General Revenue: \$100/\$3,500</p> <p>The Respondent has paid \$100 of the undeferred administrative penalty. The remaining amount of the \$3,500 shall be payable in thirty-five monthly payments of \$100 each. The deferred amount of \$19,150 is contingent on full compliance with the Order.</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that on March 23, 2006, the Respondent submitted an annual sludge report for the monitoring period of August 1, 2003 through July 31, 2004.</p> <p>Ordering Provisions:</p> <p>The Respondent shall undertake the following technical requirements:</p> <p>1. Immediately, develop and implement procedures to ensure that all backflow test and maintenance report forms are retained for a minimum of three years.</p> <p>2. Within 30 days:</p> <p>a. submit the noncompliance notification for the 40% permit exceedances which deviated from the permitted limit by greater than 40% during the months of February and June 2003;</p> <p>b. remove the excessive debris and algae from the clarifier weirs and repair the clarifier skimmer arm; and</p> <p>c. Within 30 days: conduct an evaluation of the receiving stream, 1,000 feet downstream and 100 feet upstream of the point of discharge into the receiving stream, to determine the extent of wastewater treatment plant solids, if any, deposited in the receiving stream and onto adjacent affected properties. If the evaluation determines that solids need to be removed, disposal of the removed sludge shall be carried out in accordance with all applicable rules of the TCEQ and in a manner that prevents contamination of surface or groundwater as described in Ordering Provision No. 6.</p> <p>The Respondent shall maintain written records of the amount of sludge removed, the technique used, and the ultimate disposal site.</p>

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>4. Failed to report an unauthorized discharge, and failing to submit an annual sludge report. [30 TEX. ADMIN. CODE § 305.125(1) and (9) and TPDES Permit No. 10811-001, Monitoring and Reporting Requirements Nos. 7.a. and 7.c., Section III. Requirements Applying to All Sewage Sludge Disposed in a Municipal Solid Waste Landfill, and Paragraph G. Reporting Requirements].</p> <p>5. Failed to conduct the required annual testing of the drinking water backflow prevention device. [30 TEX. ADMIN. CODE § 317.4(a)(8)].</p>		<p>3. In the event that the receiving stream evaluation required in Ordering Provision No. 2.c. determines that no remediation is necessary, prepare documentation to support that no remediation is necessary within 30 days after the effective date of this Agreed Order and submit written certification confirming that no remediation is required.</p> <p>4. In the event that the receiving stream evaluation required in Ordering Provision No. 2.c. determines that remediation is necessary, complete remediation of the receiving stream within 60 days after the effective date of this Agreed Order and submit written certification, as described in Ordering Provision No. 11, that solids have been removed from the receiving stream and disposed of in accordance with the applicable requirements.</p> <p>5. Within 90 days, develop a solids management plan (SMP) for the wastewater treatment plant. The SMP shall outline a program of internal process control testing to monitor the efficiency of the wastewater treatment plant and to maintain the proper solids balance with the system. The SMP shall be prepared by a Texas registered professional engineer or an "A" TCEQ Certified Wastewater Operator and shall include, at a minimum, the following items:</p> <ul style="list-style-type: none"> a. a schedule for performing the following process control tests and recommended ranges to be maintained: mixed liquor 30-minute sludge settleability (SV30), mixed liquor suspended solids (MLSS), sludge volume index (SVI) sludge density index (SDI), mixed liquor dissolved oxygen concentration, and clarifier sludge blanket depth; b. recommended sampling location for the process control measurements; c. procedures outlining actions to be taken in the event that any of the above process control test results fall outside the recommended range;

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
		<p>d. procedures for determining the appropriate solids removal rate and frequency; and</p> <p>e. identification of the ultimate disposal site for the sludge, and a system for maintaining sludge disposal records in accordance with the requirements of the permit.</p> <p>6. Within 120 days:</p> <p>a. the engineer or "A" operator who prepared the SMP shall meet at the Facility with Respondent's wastewater treatment plant operator(s). At the meeting, the engineer or "A" operator shall review, in detail, the substance of the SMP, making a full presentation and explanation of all findings and recommendations and to discuss all steps to be undertaken pursuant to any of the plans and schedules in the SMP. Immediately following the meeting, the Respondent shall implement the SMP. The Respondent shall also submit written certification of compliance with the requirements of this provision; and</p> <p>b. develop and implement a plan and schedule for mitigating the effects of inflow/infiltration on the collection system. The plan and schedule shall be prepared by a Texas registered professional engineer and shall include, but not be limited to, obtaining funding for the collection system rehabilitation, a schedule for upgrading the collection system, and an evaluation phase to determine the effectiveness of the upgrades to the collection system.</p> <p>10. Within 365 days, submit written certification of compliance with the effluent limitations of TPDES Permit No. 10811-001.</p> <p>11. Within 15 days, submit written certification demonstrating compliance with the Ordering Provisions Nos. 1, 2, 3, 5, 6, and 8.</p>



DATES	Assigned	25-Apr-2004	Screening	11-May-2005	EPA Due	
	PCW	22-Nov-2005				

RESPONDENT/FACILITY INFORMATION	
Respondent	Chilton Water Supply and Sewer Service Corporation
Reg. Ent. Ref. No.	RN102285814
Facility/Site Region	9-Waco < Major/Minor Source Minor Source <

CASE INFORMATION			
Enf./Case ID No.	25471	No. of Violations	5
Docket No.	2005-0887-MWD-E	Order Type	1660 <
Media Program(s)	Water Quality <	Enf. Coordinator	Michael Meyer
Multi-Media		EC's Team	Enforcement Team 8 <
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 30% Enhancement Subtotals 2, 3, & 7

Notes

Culpability No < 0% Enhancement Subtotal 4

Notes

Good Faith Effort to Comply 0% Reduction Subtotal 5

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with a small x)

Notes

Economic Benefit 0% Enhancement* Subtotal 6

Total EB Amounts	<input type="text" value="\$6,813"/>	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	<input type="text" value="\$50,775"/>	

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL Reduction Adjustment

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

PAYABLE PENALTY

Screening Date 11-May-2005

Docket No. 2005-0887-MWD-E

PCW

Respondent Chilton Water Supply and Sewer Service Corporation

Policy Revision 2 (September 2002)

Case ID No. 25471

PCW Revision May 10, 2005

Reg. Ent. Reference No. RN102285814

Media [Statute] Water Quality

Enf. Coordinator Michael Meyer

Compliance History Worksheet

>> Compliance History *Site Enhancement* (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	6	30%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 30%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History *Person Classification* (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

There were six months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 30%

Screening Date 11-May-2005

Docket No. 2005-0887-MWD-E

PCW

Respondent Chilton Water Supply and Sewer Service Corporation

Policy Revision 2 (September 2002)

Case ID No. 25471

PCW Revision May 10, 2005

Reg. Ent. Reference No. RN102285814

Media [Statute] Water Quality

Enf. Coordinator Michael Meyer

Violation Number 1

TPDES Permit No. 10811-001, Effluent Limitations and Monitoring Requirements No. 1, 2 and 4, Operational Requirements No. 1, Permit Conditions No. 2.g., Tex. Water Code § 26.121(a)(1) and 30 Tex. Admin. Code § 305.125(1)

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Failure to prevent the discharge and accumulation of solids in the receiving stream and unauthorized discharges which had occurred around the influent bar screen and aeration basin, as documented during an inspection conducted on February 9, 2005. Specifically, samples of the receiving stream contained elevated levels of ammonia-nitrogen, kjeldahl nitrogen, total phosphates and orthophosphates which is indicative of untreated or partially treated sewage. Also, analysis of an effluent sample collected during the February 9, 2005 investigation measured a total suspended solids concentration of 61 milligrams per liter (mg/L), exceeding the permitted grab sample limitation for TSS (60 mg/L) and an analysis of chlorine residual measured 0.0 mg/L, less than the minimum required concentration of 1.0 mg/L.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 3

mark only one use a small x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$7,500

Three quarterly events are recommended from the date of the February 9, 2005 investigation to the end of the settlement period (October 17, 2005).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6,616

Violation Final Penalty Total \$9,750

This violation Final Assessed Penalty (adjusted for limits) \$9,750

Economic Benefit Worksheet

Respondent Chilton Water Supply and Sewer Service Corporation
Case ID No. 25471
Reg. Ent. Reference No. RN102285814
Media [Statute] Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$50,000	09-Feb-2005	31-Dec-2006	1.9	\$315	\$6,301	\$6,616
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: The estimated cost to upgrade the collection system which includes the cost of replacing the main trunk line entering the treatment plant. The Date Required is the date of the February 9, 2005 investigation and the Final Date is the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance \$50,000

TOTAL \$6,616

Screening Date 11-May-2005

Docket No. 2005-0887-MWD-E

PCW

Respondent Chilton Water Supply and Sewer Service Corporation

Policy Revision 2 (September 2002)

Case ID No. 25471

PCW Revision May 10, 2005

Reg. Ent. Reference No. RN102285814

Media [Statute] Water Quality

Enf. Coordinator Michael Meyer

Violation Number 2

Primary Rule Cite(s)

TPDES Permit No. 10811-001, Operational Requirements No. 1, 30 Tex. Admin. Code § 305.125(1) and 305.125(5)

Secondary Rule Cite(s)

Violation Description

Failed to ensure that all systems of collection, treatment and disposal are properly operated and maintained, as documented during an investigation conducted on February 9, 2005. Specifically, the investigator documented excessive algae and debris on the clarifier weirs, and the rubber skimmer wiper arm serving the clarifier was not sealing properly against the weir baffle.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent 10%
	Potential		X		

>> Programmatic Matrix

		Major	Moderate	Minor	
	Falsification				Percent

Matrix Notes Human health or the environment will or could be exposed to significant amount of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 3

mark only one use a small x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,000

Three quarterly events are recommended from the date of the February 9, 2005 investigation to the end of the 60-day settlement period (October 17, 2005).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$34

Violation Final Penalty Total \$3,900

This violation Final Assessed Penalty (adjusted for limits) \$3,900

Economic Benefit Worksheet

Respondent Chilton Water Supply and Sewer Service Corporation
 Case ID No. 25471
 Reg. Ent. Reference No. RN102285814
 Media [Statute] Water Quality
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	09-Feb-2005	31-Jan-2006	1.0	\$2	\$33	\$34
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: This is an estimate of the cost of cleaning the clarifier weirs and repairing the clarifier skimmer arm. The Date Required is the date of the February 9, 2005 investigation and the Final Date is the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance \$500

TOTAL \$34

Screening Date 11-May-2005

Docket No. 2005-0887-MWD-E

PCW

Respondent Chilton Water Supply and Sewer Service Corporation

Policy Revision 2 (September 2002)

Case ID No. 25471

PCW Revision May 10, 2005

Reg. Ent. Reference No. RN102285814

Media [Statute] Water Quality

Enf. Coordinator Michael Meyer

Violation Number 3

Primary Rule Cite(s)
Secondary Rule Cite(s)

TPDES Permit No. 10811-001, Monitoring and Reporting Requirements Nos. 2, 3.b. and 3.c. and 30 Tex. Admin. Code § 305.125(1), 319.4, 319.7(a) and (c), and 319.11(b)

Violation Description

Failed to have records available for review by a TCEQ representative during the investigation conducted on February 9, 2005. Records supplied later were found to be inadequate because of the following: 1) sample results on the analytical reports for September through December 2004 indicated that samples were analyzed for BOD instead of CBOD; the 48 hour holding time for CBOD analysis was exceeded for samples collected on July 30, 2004 (analyzed on August 4, 2004) August 6, 2004 (analyzed on August 10, 2004) and December 16, 2004 (analyzed on December 22, 2004); and no method of preservation was noted for ammonia-nitrogen samples on forms dated 1/21/2004, 2/13/2004, 3/9/2004, 4/14/2004, 4/28/2004, 5/5/2004 and 6/24/2004.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
		X		5%

Matrix Notes 50 percent of the rule requirement was not met because the records were submitted later but contained inaccuracies.

Adjustment -\$9,500

Base Penalty Subtotal \$500

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$500

A single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$650

This violation Final Assessed Penalty (adjusted for limits) \$650

Economic Benefit Worksheet

Respondent Chilton Water Supply and Sewer Service Corporation
 Case ID No. 25471
 Reg. Ent. Reference No. RN102285814
 Media [Statute] Water Quality
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$100	09-Feb-2005	24-Mar-2005	0.1	\$1	n/a	\$1
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: This is an estimate of the cost of keeping records on-site for inspection by TCEQ personnel. The Date Required is the date of the investigation. The Final Date is the date the records were received by the TCEQ (March 24, 2005).

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

TOTAL \$1

Screening Date 11-May-2005

Docket No. 2005-0887-MWD-E

PCW

Respondent Chilton Water Supply and Sewer Service Corporation

Policy Revision 2 (September 2002)

Case ID No. 25471

PCW Revision May 10, 2005

Reg. Ent. Reference No. RN102285814

Media [Statute] Water Quality

Enf. Coordinator Michael Meyer

Violation Number 4

Primary Rule Cite(s) TPDES Permit No. 10811-001, Monitoring and Reporting Requirements Nos. 7.a. and c. and Section III. Requirements Applying to All Sewage Sludge Disposed in A Municipal Solid Waste Landfill, paragraph G. Reporting Requirements and 30 Tex. Admin. Code § 305.125(1) and 305.125(9)

Secondary Rule Cite(s)

Violation Description Failure to report exceedances which deviated from the permitted limit by greater than 40%, failure to report an unauthorized discharge and failure to submit an annual sludge report, as documented during an investigation conducted on February 9, 2005. Specifically, notification was not received for exceedances which occurred in February and June 2003, for an unauthorized discharge around the influent bar screen and aeration basin and for failure to submit an annual sludge report for the monitoring period of August 1, 2003 through July 31, 2004 by September 1, 2004, as documented during the February 9, 2005 investigation.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			10%

Matrix Notes 100 percent of the rule requirement was not met.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 4

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$4,000

Four single events are recommended to include the months of February and June 2003, the unauthorized discharge documented during the February 9, 2005 investigation, and the annual sludge report due September 1, 2004.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$5,200

This violation Final Assessed Penalty (adjusted for limits) \$5,200

Economic Benefit Worksheet

Respondent Chilton Water Supply and Sewer Service Corporation
 Case ID No. 25471
 Reg. Ent. Reference No. RN102285814
 Media [Statute] Water Quality
 Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$25	05-Jul-2003	31-Jan-2006	2.6	\$0	\$4	\$5
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: This is an estimate of the cost of preparing and submitting noncompliance notification. The Date Required is the date the notification was due and the Final Date is the estimated date for compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance \$25

TOTAL \$5

Screening Date 11-May-2005

Docket No. 2005-0887-MWD-E

PCW

Respondent Chilton Water Supply and Sewer Service Corporation

Policy Revision 2 (September 2002)

Case ID No. 25471

PCW Revision May 10, 2005

Reg. Ent. Reference No. RN102285814

Media [Statute] Water Quality

Enf. Coordinator Michael Meyer

Violation Number 5

Primary Rule Cite(s) 30 Tex. Admin. Code § 317.4(a)(8)

Secondary Rule Cite(s)

Violation Description Failed to conduct the required annual testing of the drinking water backflow prevention device as documented during an investigation conducted on February 9, 2005. Specifically, no backflow prevention test was conducted in 2004.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	X		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health or environmental receptors.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	X
	single event	

Violation Base Penalty \$2,500

One annual event is recommended for 2004.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$158

Violation Final Penalty Total \$3,250

This violation Final Assessed Penalty (adjusted for limits) \$3,250

Economic Benefit Worksheet

Respondent Chilton Water Supply and Sewer Service Corporation
 Case ID No. 25471
 Reg. Ent. Reference No. RN102285814
 Media [Statute] Water Quality
 Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item	Cost	Date	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$150	01-Jan-2004	31-Dec-2004	1.0	\$8	\$150	\$158
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

This is the estimated cost for failure to test the backflow prevention device during 2004.

Approx. Cost of Compliance \$150

TOTAL \$158

Compliance History

Customer/Respondent/Owner-Operator:	CN600692115	Chilton Water Supply and Sewer Service Corporation	Classification: AVERAGE	Rating: 0.380
Regulated Entity:	RN102285814	CHILTON WATER SUPPLY & SEWER SERVICE CORPORATION WATEWATER TREATMENT FACILITY	Classification: AVERAGE	Site Rating: 0.38
ID Number(s):	WASTEWATER LICENSING	LICENSE		WQ0010811001
	WASTEWATER	PERMIT		TPDES0053520
	WASTEWATER	PERMIT		WQ0010811001
Location:	131 COUNTY ROAD 4022, CHILTON, TX, 76632		Rating Date: 9/1/04 Repeat Violator: NO	
TCEQ Region:	REGION 09 - WACO			
Date Compliance History Prepared:	May 12, 2005			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	May 12, 2000 to May 12, 2005			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Michael Meyer Phone: (512) 239-4492

Site Compliance History Components

- | | |
|--|------------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | No |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u> |
| 6. Comments: | |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No¹)

- | | | |
|----|------------|----------|
| 1 | 04/09/2003 | (185042) |
| 2 | 03/06/2001 | (185043) |
| 3 | 03/08/2002 | (185044) |
| 4 | 04/09/2003 | (185045) |
| 5 | 04/05/2001 | (185048) |
| 6 | 05/07/2001 | (185050) |
| 7 | 05/08/2002 | (185051) |
| 8 | 06/05/2000 | (185052) |
| 9 | 06/04/2001 | (185053) |
| 10 | 06/10/2002 | (185054) |
| 11 | 07/10/2000 | (185055) |
| 12 | 07/06/2001 | (185056) |
| 13 | 07/08/2002 | (185057) |
| 14 | 08/07/2000 | (185058) |
| 15 | 04/08/2002 | (356632) |

16 08/06/2001 (185059)
 17 08/09/2002 (185060)
 18 09/07/2000 (185061)
 19 09/07/2001 (185062)
 20 09/09/2002 (185063)
 21 10/06/2000 (185064)
 22 10/09/2001 (185065)
 23 12/10/2002 (185066)
 24 11/06/2000 (185067)
 25 11/07/2001 (185068)
 26 01/08/2003 (185069)
 27 04/22/2005 (350456)
 28 12/05/2000 (185071)
 29 12/06/2001 (185072)
 30 03/06/2003 (185073)
 31 01/08/2001 (185075)
 32 01/07/2002 (185076)
 33 03/13/2003 (185077)
 34 05/21/2003 (306820)
 35 06/12/2003 (306821)
 36 08/12/2003 (306822)
 37 08/12/2003 (306823)
 38 12/05/2003 (306824)
 39 02/07/2001 (185040)
 40 12/15/2000 (38406)
 41 02/11/2002 (185041)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 01/31/2002 (185041) Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2003 (185045) Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2002 (185054) Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2003 (306820) Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2003 (306821) Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2003 (306823) Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Self Report?

Classification: Moderate

YES

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

Description:

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF
AN ENFORCEMENT ACTION
AGAINST CHILTON WATER
SUPPLY AND SEWER SERVICE
CORPORATION;
RN102285814

§
§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2005-0887-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Chilton Water Supply and Sewer Service Corporation ("Chilton WSSSC") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Chilton WSSSC appear before the Commission and together stipulate that:

1. Chilton WSSSC owns and operates a wastewater treatment plant located approximately 0.7 mile east of State Highway 77 and one mile south of the City of Chilton, in Falls County, Texas (the "Facility").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the TCEQ rules.
3. The Commission and Chilton WSSSC agree that the Commission has jurisdiction to enter this Agreed Order, and that Chilton WSSSC is subject to the Commission's jurisdiction.
4. Chilton WSSSC received notice of the violations alleged in Section II on or about April 20, 2005.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Chilton WSSSC of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of twenty-two thousand seven hundred fifty dollars (\$22,750.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Financial Assurance Section of the Commission's Financial Administration Division reviewed the financial documentation submitted by Chilton WSSSC and determined that Chilton WSSSC is unable to pay part of the administrative penalty. Therefore, nineteen thousand one hundred fifty dollars (\$19,150.00) of the penalty is deferred contingent upon Chilton WSSSC timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Chilton WSSSC fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require Chilton WSSSC to pay all or part of the deferred penalty.

Chilton WSSSC has paid one hundred dollars (\$100.00) of the undeferred administrative penalty. The remaining amount of three thousand five hundred dollars (\$3,500.00) shall be payable in thirty-five monthly payments of one hundred dollars (\$100.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Chilton WSSSC fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the acceleration of any remaining balance constitutes the failure by Chilton WSSSC to timely and satisfactorily comply with all the terms of this Agreed Order and the Executive Director may demand payment of any deferred penalty amount.

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Chilton WSSSC have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on March 23, 2006, Chilton WSSSC submitted an annual sludge report for the monitoring period of August 1, 2003 through July 31, 2004.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Chilton WSSSC has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

Chilton WSSSC, as owner and operator of the Facility, is alleged to have violated:

1. 30 TEX. ADMIN. CODE § 305.125(1); TEX. WATER CODE § 26.121(a)(1); and TPDES Permit No. 10811-001, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 4, Operational Requirements No. 1 and Permit Conditions No. 2.g., by failing to prevent the discharge and accumulation of solids in the receiving stream and unauthorized discharges which had occurred around the influent bar screen and aeration basin. Specifically, samples of the receiving stream contained elevated levels of ammonia-nitrogen, kjeldahl nitrogen, total phosphates and orthophosphates which is indicative of untreated or partially treated sewage. Additionally, an analysis of an effluent sample measured a total suspended solids concentration of 61 milligrams per liter (mg/L), exceeding the permitted grab sample limitation for TSS (60 mg/L) and an analysis of chlorine residual measured 0.0 mg/L, less than the minimum required concentration of 1.0 mg/L.
2. 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. 10811-001, Operational Requirement No. 1, by failing to ensure that all systems of collection, treatment and disposal are properly operated and maintained. Specifically, the investigator documented excessive algae and debris on the clarifier weirs, and the rubber skimmer wiper arm serving the clarifier was not sealing properly against the weir baffle.
3. 30 TEX. ADMIN. CODE §§ 305.125(1), 319.4, 319.7(a) and (c), 319.11(b) and TPDES Permit No. 10811-001, Monitoring and Reporting Requirements Nos. 2, 3.b., and 3.c., by failing to have records available for review by a TCEQ representative during the investigation conducted on February 9, 2005. Records supplied March 24, 2005 were found to be inadequate because of the following: 1) sample results on the analytical reports for September through December 2004 indicated that samples were analyzed for Biochemical Oxygen Demand ("BOD") instead of Carbonaceous Biochemical Oxygen Demand ("CBOD"); 2) the 48 hour holding time for CBOD analysis was exceeded for samples collected on July 30, 2004 (analyzed on August 4, 2004), August 6, 2004 (analyzed on August 10, 2004) and December 16, 2004 (analyzed on December 22, 2004); and 3) no method of preservation was noted for ammonia-nitrogen samples on forms dated January 21, February 13, March 9, April 14, April 28, May 5, and June 24, 2004.
4. 30 TEX. ADMIN. CODE § 305.125(1) and (9) and TPDES Permit No. 10811-001, Monitoring and Reporting Requirements Nos. 7.a. and 7.c., Section III. Requirements

Applying to All Sewage Sludge Disposed in a Municipal Solid Waste Landfill, and Paragraph G. Reporting Requirements, by failing to report exceedances which deviated from the permitted limit by greater than 40%, failing to report an unauthorized discharge, and failing to submit an annual sludge report. Specifically, notification was not received for exceedances which occurred in February and June 2003, for an unauthorized discharge around the influent bar screen and aeration basin. In addition, Chilton WSSSC failed to submit an annual sludge report for the monitoring period of August 1, 2003 through July 31, 2004 by September 1, 2004.

5. 30 TEX. ADMIN. CODE § 317.4(a)(8), by failing to conduct the required annual testing of the drinking water backflow prevention device. Specifically, no backflow prevention test was conducted in 2004.

III. DENIALS

Chilton WSSSC generally denies each allegation in Section II ("Allegations").

IV. ORDER

1. It is, therefore, ordered by the TCEQ that Chilton WSSSC pay administrative penalties as set forth in Section I, Paragraph 6 above. The payment of these administrative penalties and Chilton WSSSC's compliance with all the terms and conditions set forth in this Agreed Order resolve only those matters described here. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be sent with the notation "Re: Chilton Water Supply and Sewer Service Corporation; Docket No. 2005-0887-MWD-E" to:

Financial Administration Division, Revenues
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Executive Director recommends that Chilton WSSSC be required to implement the following corrective measures:
 - a. Immediately upon the effective date of this Agreed Order, Chilton WSSSC shall develop and implement procedures to ensure that all backflow test and maintenance report forms are retained for a minimum of three years.
 - b. Within 30 days after the effective date of this Agreed Order, Chilton WSSSC shall submit the noncompliance notification for the 40% permit exceedances

which deviated from the permitted limit by greater than 40% during the months of February and June 2003.

- c. Within 30 days after the effective date of this Agreed Order, Chilton WSSSC shall remove the excessive debris and algae from the clarifier weirs and repair the clarifier skimmer arm.
- d. Within 30 days after the effective date of this Agreed Order, Chilton WSSSC shall conduct an evaluation of the receiving stream, 1,000 feet downstream and 100 feet upstream of the point of discharge into the receiving stream, to determine the extent of wastewater treatment plant solids, if any, deposited in the receiving stream and onto adjacent affected properties. If the evaluation determines that solids need to be removed, disposal of the removed sludge shall be carried out in accordance with all applicable rules of the TCEQ and in a manner that prevents contamination of surface or groundwater as described in Ordering Provision No. 2.f. Chilton WSSSC shall maintain written records of the amount of sludge removed, the technique used, and the ultimate disposal site.
- e. In the event that the receiving stream evaluation required in Ordering Provision No. 2.d. determines that no remediation is necessary, prepare documentation to support that no remediation is necessary within 30 days after the effective date of this Agreed Order and submit written certification as described in Ordering Provision 2.k., confirming that no remediation is required.
- f. In the event that the receiving stream evaluation required in Ordering Provision 2.d. determines that remediation is necessary, complete remediation of the receiving stream within 60 days after the effective date of this Agreed Order and submit written certification, as described in Ordering Provision No. 2.k., that solids have been removed from the receiving stream and disposed of in accordance with the applicable requirements.
- g. Within 90 days after the effective date of this Agreed Order, Chilton WSSSC shall develop a solids management plan (SMP) for the wastewater treatment plant. The SMP shall outline a program of internal process control testing to monitor the efficiency of the wastewater treatment plant and to maintain the proper solids balance with the system. The SMP shall be prepared by a Texas registered professional engineer or an "A" TCEQ Certified Wastewater Operator and shall include, at a minimum, the following items:
 - i. a schedule for performing the following process control tests and recommended ranges to be maintained: mixed liquor 30-minute sludge settleability (SV30), mixed liquor suspended solids (MLSS), sludge volume index (SVI) sludge density index (SDI), mixed liquor dissolved oxygen concentration, and clarifier sludge blanket depth;

- ii. recommended sampling location for the process control measurements;
 - iii. procedures outlining actions to be taken in the event that any of the above process control test results fall outside the recommended range;
 - iv. procedures for determining the appropriate solids removal rate and frequency; and
 - v. identification of the ultimate disposal site for the sludge, and a system for maintaining sludge disposal records in accordance with the requirements of the permit.
- h. Within 120 days after the effective date of this Agreed Order, the engineer or "A" operator who prepared the SMP shall meet at the Facility with Chilton WSSSC's wastewater treatment plant operator(s). At the meeting, the engineer or "A" operator shall review, in detail, the substance of the SMP, making a full presentation and explanation of all findings and recommendations and to discuss all steps to be undertaken pursuant to any of the plans and schedules in the SMP. Immediately following the meeting, Chilton WSSSC shall implement the SMP. Chilton WSSSC shall also submit written certification, as required in Ordering Provision No. 2.k., of compliance with the requirements of this provision.
- i. Within 120 days after the effective date of this Agreed Order, Chilton WSSSC shall develop and implement a plan and schedule for mitigating the effects of inflow/infiltration on the collection system. The plan and schedule shall be prepared by a Texas registered professional engineer and shall include, but not be limited to, obtaining funding for collection system rehabilitation, a schedule for upgrading the collection system, and an evaluation phase to determine the effectiveness of the upgrades to the collection system.
- j. Within 365 days after the effective date of this Agreed Order, Chilton WSSSC shall submit written certification of compliance with the effluent limitations of TPDES Permit No. 10811-001, as described in Ordering Provision No. 2.k.
- k. Within 15 days after the due dates required in Ordering Provision Nos. 2.a., 2.b., 2.c., 2.e., 2.f., and 2.h., submit written certification as described below, and include detailed supporting documentation including photographs, receipts or other records to demonstrate compliance with Ordering Provision Nos. 2.a., 2.b., 2.c., 2.e, 2.f., and 2.h.

The certifications required above shall be notarized by a State of Texas Notary Public and include the following certification language.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Frank Burlison
Water Section Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

3. The provisions of this Agreed Order shall apply to and be binding upon Chilton WSSSC. Chilton WSSSC is ordered to give notice of the Agreed Order to personnel who maintain day to day control over the Facility operations referenced in this Agreed Order.
4. If Chilton WSSSC fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Chilton WSSSC's failure to comply is not a violation of this Agreed Order. Chilton WSSSC shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Chilton WSSSC shall notify the Executive Director within seven days after Chilton WSSSC becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Chilton WSSSC shall be made in writing to the Executive Director. Extensions are not effective

- until Chilton WSSSC receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Chilton WSSSC in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
 7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
 8. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand delivery of the Order to Chilton WSSSC, or three days after the date on which the Commission mails notice of the Order to Chilton WSSSC, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Bryson Perdue

For the Executive Director

5/19/08

Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Woodson L. Bray
Signature

3-24-08
Date

Woodson L. Bray
Name (Printed or typed)
Authorized representative of
Chilton Water Supply and Sewer Service Corporation

Sec./Treas.
Title