

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2009-1910-MWD-E **TCEQ ID:** RN102285814 **CASE NO.:** 38756
RESPONDENT NAME: Chilton Water Supply and Sewer Service Corporation

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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: Chilton Water Supply & Sewer Service Corporation Wastewater Treatment Facility, located approximately 0.7 mile east of State Highway 77 and one mile south of Chilton, just northeast of the crossing of Deer Creek by the Old Highway 77, Falls County</p> <p>TYPE OF OPERATION: Wastewater treatment facility</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 July 12, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Jorge Ibarra, P.E., Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5890; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Douglas M. McKee, President, Chilton Water Supply and Sewer Service Corporation, P.O. Box 167, Chilton, Texas 76632 Ms. Alice Miller, Secretary/Treasurer, Chilton Water Supply and Sewer Service Corporation, P.O. Box 167, 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(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: November 5, 2009</p> <p>Date of NOV/NOE Relating to this Case: November 23, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to prevent the discharge and accumulation of sludge in the receiving stream which resulted in a documented serious impact to the environment [Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010811001, Permit Conditions No. 2.d., 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a)(1)].</p> <p>2) Failure to implement the requirements of the solids management plan [TPDES Permit No. WQ0010811001, Operational Requirements No. 2 and 30 TEX. ADMIN. CODE §§ 319.7 and 305.125(1)].</p> <p>3) Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained [TPDES Permit No. WQ0010811001, Operational Requirements No. 1 and 30 TEX. ADMIN. CODE § 305.125(1) and (5)].</p> <p>4) Failure to timely submit monitoring results at the intervals specified in the permit [TPDES Permit No. WQ0010811001, Monitoring and Reporting Requirements No. 1 and 30 TEX. ADMIN. CODE §§ 305.125(17) and 319.1].</p> <p>5) Failure to maintain a chlorine residual between 1.0 and 4.0 milligrams per liter [TPDES Permit No. WQ0010811001, Effluent Limitations and Monitoring</p>	<p>Total Assessed: \$24,184</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$2,644 (remaining \$21,540 due in 32 monthly payments of \$654 each, and one final payment of \$612)</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>Findings Orders Justification: The Respondent has three repeated enforcement actions over the prior five year period for the same violation. Also, environmental receptors have been exposed to pollutants which exceed levels that are protective.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. Pumped out the clarifier and chlorine contact chamber on November 9, 2009;</p> <p>b. Submitted discharge monitoring reports for November 2008 and for May 2009 through October 2009 to the TCEQ on November 19, 2009; and</p> <p>c. Began maintaining chlorine residual between permitted levels by adjusting the chlorine injection system on December 4, 2009.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, begin implementing the requirements of the solids management plan;</p> <p>b. Within 45 days after the effective date of this Agreed Order, properly remove and dispose of all accumulations of sludge and dead aquatic organisms in the receiving stream; and</p> <p>c. Within 60 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. and b.</p>

Requirements No. 2, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a)].		
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Additional ID No(s): WQ0010811001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	23-Nov-2009	Screening	24-Nov-2009	EPA Due	
	PCW	1-Dec-2009				

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

CASE INFORMATION			
Enf./Case ID No.	38756	No. of Violations	5
Docket No.	2009-1910-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jorge Ibarra, P.E.
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$10,200
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ADJUSTMENTS (+/-) TO SUBTOTAL 1	Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
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Compliance History	142.0% Enhancement	Subtotals 2, 3, & 7	\$14,484
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Notes
The Respondent was issued one 1860 Agreed Order containing denial of liability language, five NOV's with the same/similar type of violations, one NOV without the same/similar type of violations, and 19 months of self-reported effluent violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes
The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$500
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Economic Benefit	0.0% Enhancement	Subtotal 6	\$0
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Total EB Amounts \$546
Approx. Cost of Compliance \$22,900
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$24,184
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$24,184
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$24,184
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only, e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$24,184
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Screening Date 24-Nov-2009

Docket No. 2009-1910-MWD-E

PCW

Respondent Chilton Water Supply and Sewer Service Corporation

Policy Revision 2 (September 2002)

Case ID No. 38756

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102285814

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

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 (number of NOVs meeting criteria)	24	120%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	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 (number of judgements or consent decrees meeting criteria)	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
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) 142%

>> 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

The Respondent was issued one 1660 Agreed Order containing denial of liability language, five NOVs with the same/similar type of violations, one NOV without the same/similar type of violations, and 19 months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 142%

Screening Date 24-Nov-2009

Docket No. 2009-1910-MWD-E

PCW

Respondent Chilton Water Supply and Sewer Service Corporation

Policy Revision 2 (September 2002)

Case ID No. 38756

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102286814

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 1

Rule Cite(s)

Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010811001, Permit Conditions No. 2.d., 30 Tex. Admin. Code § 305.125(1), and Tex. Water Code § 26.121(a)(1)

Violation Description

Failed to prevent the discharge and accumulation of sludge in the receiving stream which resulted in a documented serious impact to the environment. Specifically, accumulations of wastewater sludge containing patches of blood worms were observed approximately 100 yards downstream of the receiving stream. Additionally, approximately 200 various dead aquatic organisms, consisting of minnows, sunfish, crawfish, and freshwater shrimp, were documented downstream of Outfall 001.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to prevent the discharge and accumulation of sludge in the receiving stream resulted in the release of pollutants which exceed levels that are protective of human health or environment receptors as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

Number of violation days 19

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$5,000

One monthly event is recommended. The penalty was calculated from the investigation date of November 5, 2009 to the screening date of November 24, 2009.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/Settlement
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$207

Violation Final Penalty Total \$12,100

This violation Final Assessed Penalty (adjusted for limits) \$12,100

Economic Benefit Worksheet

Respondent: Chilton Water Supply and Sewer Service Corporation

Case ID No.: 38756

Reg. Ent. Reference No.: RN102285814

Media: Water Quality

Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$6,000	5-Nov-2009	15-Jul-2010	0.69	\$207	n/a	\$207
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remediate the impact to the receiving stream and properly dispose of the sludge and dead aquatic organisms, also see economic benefit for violations 2 and 3 for preventative actions. Date Required is the investigation date. Final Date is the expected compliance date.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$6,000

TOTAL

\$207

Screening Date 24-Nov-2009

Docket No. 2009-1910-MWD-E

PCW

Respondent Chilton Water Supply and Sewer Service Corporation

Policy Revision 2 (September 2002)

Case ID No. 38756

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102285814

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 2

Rule Cite(s)

TPDES Permit No. WQ0010811001, Operational Requirements No. 2 and 30 Tex. Admin. Code §§ 319.7 and 305.125(1)

Violation Description

Failed to implement the requirements of the solids management plan. Specifically, the Respondent failed to complete the process controls for 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 as required by the solids management plan.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to implement the requirements of the solids management plan could result in the release of significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

19 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,000

One quarterly event is recommended. The penalty was calculated from the investigation date of November 6, 2009 to the screening date of November 24, 2009.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$261

Violation Final Penalty Total \$2,420

This violation Final Assessed Penalty (adjusted for limits) \$2,420

Economic Benefit Worksheet

Respondent: Chilton Water Supply and Sewer Service Corporation
Case ID No: 38756
Reg. Ent. Reference No: RN102285814
Media: 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
No commas or \$							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$8,000	5-Nov-2009	1-Jul-2010	0.65	\$261	n/a	\$261

Notes for DELAYED costs

Estimated cost to implement the requirements of the solids management plan. Date Required is the investigation date. Final Date is the expected compliance date.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$8,000

TOTAL

\$261

Screening Date 24-Nov-2009

Docket No. 2009-1910-MWD-E

PCW

Respondent Chilton Water Supply and Sewer Service Corporation

Policy Revision 2 (September 2002)

Case ID No. 38756

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102285814

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 3

Rule Cite(s) TPDES Permit No. WQ0010811001, Operational Requirements No. 1 and 30 Tex. Admin. Code § 305.125(1) and (5)

Violation Description Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, during the November 5, 2009 investigation, it was noted that the clarifier and chlorine contact chamber contained excessive floating sludge solids.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained could result in the release of significant amounts of pollutants as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

Number of violation days 4

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
single event		

Violation Base Penalty \$1,000

One quarterly event is recommended. The penalty was calculated from the investigation date of November 5, 2009 to the compliance date of November 9, 2009.

Good Faith Efforts to Comply

25.0% Reduction

\$250

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

Notes The Respondent achieved compliance by November 9, 2009 for this violation.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$2,170

This violation Final Assessed Penalty (adjusted for limits) \$2,170

Economic Benefit Worksheet

Respondent: Chilton Water Supply and Sewer Service Corporation

Case ID No.: 38756

Reg. Ent. Reference No.: RN102285814

Media: Water Quality

Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$4,500	5-Nov-2009	9-Nov-2009	0.01	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to pump out the clarifier and chlorine contact chamber. Date Required is the investigation date.
Final Date is the compliance date.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$4,500

TOTAL

\$2

Screening Date 24-Nov-2009

Docket No. 2009-1910-MWD-E

PCW

Respondent Chilton Water Supply and Sewer Service Corporation

Policy Revision 2 (September 2002)

Case ID No. 38756

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102285814

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 4

Rule Cite(s)

TPDES Permit No. WQ0010811001, Monitoring and Reporting Requirements No. 1 and 30 Tex. Admin. Code § 305.125(17)

Violation Description

Failed to timely submit monitoring results at the intervals specified in the permit. Specifically, the permittee failed to submit discharge monitoring reports ("DMRs") for November 2008 and for May 2009 through October 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
			X

Percent 1%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 7

Number of violation days 7

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$700

Seven single events are recommended, one for each missing DMR.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/Settlement Offer
	Extraordinary	
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$700

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$64

Violation Final Penalty Total \$1,694

This violation Final Assessed Penalty (adjusted for limits) \$1,694

Economic Benefit Worksheet

Respondent: Chilton Water Supply and Sewer Service Corporation

Case ID No.: 38756

Reg. Ent. Reference No.: RN102285814

Media: 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
<small>No commas or \$</small>							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,400	20-Dec-2008	19-Nov-2009	0.92	\$64	n/a	\$64

Notes for DELAYED costs

Estimated cost to submit the required DMRs. Date Required is the date the first report was due. Final Date is the date the reports were submitted.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,400

TOTAL

\$64

Screening Date 24-Nov-2009

Docket No. 2009-1910-MWD-E

PCW

Respondent Chilton Water Supply and Sewer Service Corporation

Policy Revision 2 (September 2002)

Case ID No. 38756

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102285814

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 5

Rule Cite(s) TPDES Permit No. WQ0010811001, Effluent Limitations and Monitoring Requirements No. 2, 30 Tex. Admin. Code § 305.125(1), and Tex. Water Code § 26.121(a)

Violation Description Failed to maintain a chlorine residual between 1.0 and 4.0 milligrams per liter ("mg/L"). Specifically, the grab sample collected during the November 5, 2009 investigation showed a chlorine residual of 0.08 mg/L.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		X		25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environment receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 19

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One monthly event is recommended. The penalty was calculated from the investigation date of November 5, 2009 to the screening date of November 24, 2009.

Good Faith Efforts to Comply

	10.0% Reduction	
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with x)

\$250

Notes The Respondent achieved compliance by December 4, 2009 for this violation.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$12

Violation Final Penalty Total \$5,800

This violation Final Assessed Penalty (adjusted for limits) \$5,800

Economic Benefit Worksheet

Respondent Chilton Water Supply and Sewer Service Corporation

Case ID No. 38756

Reg. Ent. Reference No. RN102285814

Media Water Quality

Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$3,000	5-Nov-2009	4-Dec-2009	0.08	\$12	n/a	\$12

Notes for DELAYED costs

Estimated cost to maintain the chlorine residual between permitted levels by adjusting the chlorine injection system. Date Required is the investigation date. Final Date is the compliance date.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

TOTAL

\$12

Compliance History Report

Customer/Respondent/Owner-Operator: CN600692115 Chilton Water Supply and Sewer Service Corporation Classification: AVERAGE Rating: 5.31

Regulated Entity: RN102285814 CHILTON WATER SUPPLY & SEWER SERVICE CORPORATION WASTEWATER TREATMENT FACILITY Classification: AVERAGE Site Rating: 5.31

ID Number(s):
WASTEWATER PERMIT WQ0010811001
WASTEWATER PERMIT TPDES0053520
WASTEWATER PERMIT TX0053520
WASTEWATER LICENSING LICENSE WQ0010811001

Location: located approximately 0.7 mile east of State Highway 77 and one mile south of Chilton, just northeast of the crossing of Deer Creek by the Old Highway 77 in Falls County, Texas

TCEQ Region: REGION 09 - WACO

Date Compliance History Prepared: November 24, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 24, 2004 to November 24, 2009

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

Name: Jorge Ibarra, P.E. Phone: (817) 588-5890

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

Components (Multimedia) for the Site :

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

Effective Date: 09/22/2008 ADMINORDER 2005-0887-MWD-E
Classification: Major
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Effluent Limitations PERMIT
Operational Requirements No. 1 Pg. 9 PERMIT
Description: Failure by the permittee to prevent the discharge and accumulation of sludge in the receiving water.
Classification: Minor
Citation: 30 TAC Chapter 317 317.4(a)(8)
Description: Failure by the permittee to conduct the required annual testing of the backflow prevention device.
Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
Rqmt Prov: Operational Requirements, No. 1 Pg. 9 PERMIT

Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 319, SubChapter A 319.11(b)

30 TAC Chapter 319, SubChapter A 319.4

30 TAC Chapter 319, SubChapter A 319.7(a)

30 TAC Chapter 319, SubChapter A 319.7(c)

Rqmt Prov: Mon. & Report. Req. Nos. 3.b. and 3.c. PERMIT

Description: Failure to comply with procedures specified in 30 TAC 319.11 - 319.12.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(9)

Rqmt Prov: Mon. & Rept. Req. 7.a. and 7.c. PERMIT

Description: The permittee failed to report 40% noncompliances to the TCEQ within 5 working days of becoming aware of the noncompliance

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. No.)

1	04/22/2005	(350456)
2	07/07/2006	(508633)
3	07/19/2006	(523519)
4	07/19/2006	(523520)
5	07/19/2006	(523521)
6	07/19/2006	(523522)
7	07/19/2006	(523523)
8	07/19/2006	(523524)
9	07/19/2006	(523525)
10	07/19/2006	(523526)
11	02/02/2007	(537196)
12	03/06/2007	(541550)
13	03/13/2007	(543561)
14	07/12/2007	(593273)
15	07/27/2007	(567303)
16	09/05/2007	(571385)
17	01/08/2008	(599159)
18	02/11/2008	(673704)
19	02/11/2008	(673705)
20	02/11/2008	(673706)
21	02/11/2008	(673707)
22	02/11/2008	(673708)
23	02/11/2008	(673709)
24	02/11/2008	(673710)
25	02/11/2008	(673711)
26	02/11/2008	(673712)
27	02/11/2008	(673713)
28	02/11/2008	(673714)
29	02/11/2008	(673715)
30	02/11/2008	(673716)
31	02/11/2008	(673717)

32	02/11/2008	(673718)
33	02/11/2008	(673719)
34	02/11/2008	(673720)
35	02/11/2008	(673721)
36	02/11/2008	(673722)
37	02/11/2008	(673723)
38	02/11/2008	(673724)
39	02/11/2008	(673725)
40	02/11/2008	(673726)
41	02/11/2008	(673727)
42	08/04/2008	(712980)
43	08/04/2008	(712981)
44	08/04/2008	(712982)
45	08/04/2008	(712983)
46	08/04/2008	(712984)
47	10/31/2008	(729179)
48	01/27/2009	(752350)
49	02/25/2009	(752348)
50	02/25/2009	(752349)
51	03/31/2009	(740458)
52	04/24/2009	(736668)
53	05/20/2009	(769996)
54	05/20/2009	(769997)
55	05/20/2009	(769998)
56	08/09/2009	(762651)
57	08/20/2009	(765785)
58	09/18/2009	(766411)

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

Date: 06/27/2005 (350451) CN600692115
 Self Report? NO Classification: Moderate
 Citation: TWC Chapter 26 26.121
 Description: Failure by the permittee to prevent the discharge of wastewater into or adjacent to water in the state without authorization from the Commission.

Date: 10/13/2005 (431576) CN600692115
 Self Report? NO Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter O 305.535(c)(1)
 Permit Conditions, No. 2g Pg. 7 PERMIT
 Description: Failure by the permittee to prevent the discharge of wastewater into or adjacent to water in the state without authorization from the Commission.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)(A)
 Monitoring & Reporting Reqs. N.7 P.5 PERMIT
 Description: Failure by the permittee to orally notify the TCEQ of an unauthorized discharge within 24 hours and provide written notification within 5 days of becoming aware of the noncompliance.

Date: 03/31/2006 (673708) CN600692115
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2006 (673710) CN600692115
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description:	Failure to meet the limit for one or more permit parameter		
Date:	05/31/2006 (673712)	CN600692115	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	07/07/2006 (508633)	CN600692115	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Date:	10/31/2006 (673722)	CN600692115	

Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	11/30/2006 (673724)	CN600692115	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	01/31/2007 (673705)	CN600692115	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	03/31/2007 (673709)	CN600692115	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	05/31/2007 (673713)	CN600692115	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	06/30/2007 (673715)	CN600692115	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	07/12/2007 (593273)	CN600692115	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		

Description:	30 TAC Chapter 305, SubChapter F 305.125(17) NON-RPT VIOS FOR MONIT PER OR PIPE	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	30 TAC Chapter 305, SubChapter F 305.125(17) NON-RPT VIOS FOR MONIT PER OR PIPE	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	30 TAC Chapter 305, SubChapter F 305.125(17) NON-RPT VIOS FOR MONIT PER OR PIPE	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	30 TAC Chapter 305, SubChapter F 305.125(17) NON-RPT VIOS FOR MONIT PER OR PIPE	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	30 TAC Chapter 305, SubChapter F 305.125(17) NON-RPT VIOS FOR MONIT PER OR PIPE	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	30 TAC Chapter 305, SubChapter F 305.125(17) NON-RPT VIOS FOR MONIT PER OR PIPE	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Date:	07/31/2007 (673717)	CN600692115	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	10/31/2007 (673723)	CN600692115	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	11/30/2007 (673725)	CN600692115	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	12/31/2007 (673727)	CN600692115	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	01/31/2008 (712980)	CN600692115	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	02/29/2008 (712981)	CN600692115	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	03/31/2008 (712982)	CN600692115	
Self Report?	YES	Classification:	Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 04/30/2008 (712983) CN600692115

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 05/31/2008 (712984) CN600692115

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 09/30/2008 (729179) CN600692115

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 03/27/2009 (740458) CN600692115

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 Operational Requirements; No. 4, Pg. 10 PERMIT

Description: Failure to install and subsequently 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, and/or retention of inadequately treated wastewater.

Date: 04/24/2009 (736668) CN600692115

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 319, SubChapter A 319.7(c)
 Reporting Requirements; No. 3(b), Pg. 5 PERMIT

Description: Failure by the permittee to maintain monitoring and reporting records for a period of three years.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 319, SubChapter A 319.11(a)
 Monitoring Requirements; No. 2, Pg. 4 PERMIT

Description: Failure to comply with procedures specified in 30 TAC 319.11 - 319.12.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to maintain records of monitoring information related to sewage sludge use and disposal activities for a period of at least five years.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 Operational Requirements; No. 1, Pg. 9 PERMIT

Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 Operational Requirements; No. 1, Pg. 9 PERMIT

Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

N/A

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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
CHILTON WATER SUPPLY AND SEWER	§	TEXAS COMMISSION ON
SERVICE CORPORATION	§	
RN102285814	§	ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-1910-MWD-E

At its _____ agenda, the Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding Chilton Water Supply and Sewer Service Corporation (“the Respondent”) under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located approximately 0.7 mile east of State Highway 77 and one mile south of Chilton, just northeast of the crossing of Deer Creek by the Old Highway 77 in Falls County, Texas (the “Facility”).

2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During an investigation on November 5, 2009, TCEQ staff documented the Respondent did not prevent the discharge and accumulation of sludge in the receiving stream which resulted in a documented serious impact to the environment. Specifically, accumulations of wastewater sludge containing patches of blood worms were observed approximately 100 yards downstream of the receiving stream. Additionally, approximately 200 various dead aquatic organisms, consisting of minnows, sunfish, crawfish, and freshwater shrimp, were documented downstream of Outfall 001.
4. During an investigation on November 5, 2009, TCEQ staff documented the Respondent did not implement the requirements of the solids management plan. Specifically, the Respondent failed to complete the process controls for 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 as required by the solids management plan.
5. During an investigation on November 5, 2009, TCEQ staff documented the Respondent did not ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, it was documented that the clarifier and chlorine contact chamber contained excessive floating sludge solids.
6. During an investigation on November 5, 2009, TCEQ staff documented the Respondent did not timely submit monitoring results at the intervals specified in the permit. Specifically, the permittee failed to submit discharge monitoring reports ("DMRs") for November 2008 and for May 2009 through October 2009.
7. During an investigation on November 5, 2009, TCEQ staff documented the Respondent did not maintain a chlorine residual between 1.0 and 4.0 milligrams per liter ("mg/L"). Specifically, the grab sample collected during the November 5, 2009 investigation showed a chlorine residual of 0.08 mg/L.
8. The Respondent received notice of the violations on November 28, 2009.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. Pumped out the clarifier and chlorine contact chamber on November 9, 2009;
 - b. Submitted DMRs for November 2008 and for May 2009 through October 2009 to the TCEQ on November 19, 2009; and
 - c. Began maintaining chlorine residual between permitted levels by adjusting the chlorine injection system on December 4, 2009.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent the discharge and accumulation of sludge in the receiving stream which resulted in a documented serious impact to the environment, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010811001, Permit Conditions No. 2.d., 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a)(1).
3. As evidenced by Findings of Fact No. 4, the Respondent failed to implement the requirements of the solids management plan, in violation of TPDES Permit No. WQ0010811001, Operational Requirements No. 2 and 30 TEX. ADMIN. CODE §§ 319.7 and 305.125(1).
4. As evidenced by Findings of Fact No. 5, the Respondent failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of TPDES Permit No. WQ0010811001, Operational Requirements No. 1 and 30 TEX. ADMIN. CODE § 305.125(1) and (5).
5. As evidenced by Findings of Fact No. 6, the Respondent failed to timely submit monitoring results at the intervals specified in the permit, in violation of TPDES Permit No. WQ0010811001, Monitoring and Reporting Requirements No. 1 and 30 TEX. ADMIN. CODE §§ 305.125(17) and 319.1.
6. As evidenced by Findings of Fact No. 7, the Respondent failed to maintain a chlorine residual between 1.0 and 4.0 mg/L, in violation of TPDES Permit No. WQ0010811001, Effluent Limitations and Monitoring Requirements No. 2, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a).
7. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
8. An administrative penalty in the amount of Twenty-Four Thousand One Hundred Eighty-Four Dollars (\$24,184) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Two Thousand Six Hundred Forty-Four Dollars (\$2,644) of the administrative penalty. The remaining amount of Twenty-One Thousand Five Hundred Forty Dollars (\$21,540) of the administrative penalty shall be payable in thirty-two monthly payments of Six Hundred Fifty-Four Dollars (\$654) each, and one final payment of Six Hundred Twelve Dollars (\$612). The next 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 the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's 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 failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Twenty-Four Thousand One Hundred Eighty-Four Dollars (\$24,184) as set forth in Section II, Paragraph 8 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Chilton Water Supply and Sewer Service Corporation, Docket No. 2009-1910-MWD-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, begin implementing the requirements of the solids management plan;
 - b. Within 45 days after the effective date of this Agreed Order, properly remove and dispose of all accumulations of sludge and dead aquatic organisms in the receiving stream; and
 - c. Within 60 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b. The certification 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 fines and imprisonment for knowing violations.”

The certification shall be submitted to:

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

with a copy to:

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 the Respondent. The Respondent 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 the Respondent 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, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. 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.

8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent 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.
9. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Miller
For the Executive Director

9/9/2010
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Chilton Water Supply and Sewer Service Corporation. I am authorized to agree to the attached Agreed Order on behalf of Chilton Water Supply and Sewer Service Corporation, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Chilton Water Supply and Sewer Service Corporation waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- 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;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

Alice Miller
Signature

9-13-10
Date

Alice Miller
Name (Printed or typed)
Authorized Representative of
Chilton Water Supply and Sewer Service Corporation

Sec. - Treasurer
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

