

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-1763-MWD-E **TCEQ ID:** RN101610418 **CASE NO.:** 38547

RESPONDENT NAME: Bell County Water Control and Improvement District No. 2

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: Little River Plant, located immediately east of the Missouri-Kansas-Texas Railroad, approximately 2000 feet south of Farm-to-Market Road 436, Bell 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 19, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Heather Brister, Enforcement Division, Enforcement Team 1, MC R-09, (254) 761-3034; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Billy K. Basley, President, Bell County Water Control and Improvement District No. 2, 202 Brookman South, Little River Academy, Texas 76554. 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: May 7, 2009</p> <p>Date of NOE Relating to this Case: August 10, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to comply with test procedures for analyses of pollutants. Specifically, the Respondent was not performing the manganese interference correction for total chlorine residual analysis and did not have a secondary element, such as a staff gauge installed at the primary flow measuring device [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(a) and Texas Pollutant Discharge Elimination System Permit ("TPDES") No. WQ0011091001 Monitoring and Reporting Requirements No. 2].</p> <p>2) Failure to ensure that all systems of collection, treatment, and disposal are being properly operated and maintained. Specifically, the rubber skimmer blade was not properly sealing against the weir baffle; there were two feet of sludge in the chlorine contact chamber; excessive foam was present in both aeration basins and sludge digesters; and the clarifiers and the chlorine contact chamber contained excessive floating solids [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0011091001 Operational Requirements No. 1].</p> <p>3) Failure to prevent the unauthorized discharge of wastewater. Specifically, an influent pipe going to the aeration basin was severely corroded, allowing raw wastewater to discharge onto the ground.</p>	<p>Total Assessed: \$74,500</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: \$4,500 (remaining \$70,000 due in 35 monthly payments of \$2,000 each)</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: This is a Findings Order because human health has 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) On May 8, 2009, began performing the manganese interference correction for total chlorine residual analysis;</p> <p>b) On or about August 25, 2009, removed and properly disposed of sludge and solids in the treatment units and repaired the weir skimmer blade;</p> <p>c) On or about August 25, 2009, installed a staff gauge at the primary flow measuring device;</p> <p>d) On or about August 25, 2009, replaced the corroded influent pipe going to the aeration basin, removed the pooled wastewater, and properly disinfected the area; and</p> <p>e) On or about August 25, 2009, vacuumed the receiving stream, and removed and properly disposed of any solids collected.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to within 45 days after the effective date of this Agreed Order, certify that the standard operating procedures for the Facility have been updated and employee training has been conducted to ensure that all reporting requirements are properly accomplished. The written certification shall include detailed supporting documents including photographs, receipts, and/or other records to demonstrate compliance.</p>

<p>The discharge was flowing off the Facility grounds and pooling in a ditch adjacent to the Facility [30 TEX. ADMIN. CODE § 305.125(4), TEX. WATER CODE § 26.121(a), and TPDES Permit No. WQ0011091001 Permit Conditions No. 2.g].</p> <p>4) Failure to report an unauthorized discharge to the TCEQ orally within 24 hours and in writing within five days from becoming aware of the noncompliance. Specifically, the Respondent failed to notify the TCEQ of the unauthorized discharge from the aeration basin that occurred on May 7, 2009 [30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and TPDES Permit No. WQ0011091001 Monitoring and Reporting Requirements Nos. 7.a and b].</p> <p>5) Failure to prevent the unauthorized discharge of solids into the receiving stream. Specifically, during the investigation an accumulation of sludge was noted in the receiving stream. Sludge was noted up to approximately 400 yards downstream of Outfall 001. Bloodworms were also present in the receiving stream [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and TPDES Permit No. WQ0011091001 Effluent Limitations and Monitoring Requirements No. 4 and Permit Conditions No. 2.d].</p>		
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Additional ID No(s): TPDES Permit No. WQ0011091001



Penalty Calculation Worksheet (PCW)

TCEQ

DATES	Assigned	17-Aug-2009	Screening	1-Sep-2009	EPA Due	
	PCW	16-Nov-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	Bell County Water Control and Improvement District No. 2
Reg. Ent. Ref. No.	RN101610418
Facility/Site Region	9-Waco
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	38547	No. of Violations	5
Docket No.	2009-1763-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Heather Brister
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (sum of violation base penalties)	Subtotal 1:	\$24,000
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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.

Compliance History	220.0% Enhancement	Subtotals 2, 3, & 7	\$52,800
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Notes: The Respondent has one order containing a denial of liability and 40 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	\$2,300
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$39
Approx. Cost of Compliance	\$1,900

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$74,500
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the Indicated percentage.

Notes

Final Penalty Amount \$74,500

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$74,500
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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	\$74,500
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Screening Date: 1-Sep-2009

Docket No. 2009-1763-MWD-E

PCW

Respondent: Bell County Water Control and Improvement District No.

Policy Revision 2 (September 2002)

Case ID No. 38547

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101610418

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

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)	40	200%
	Other written NOVs	0	0%
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) 220%

>> 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 has one order containing a denial of liability and 40 months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 220%

Screening Date 1-Sep-2009

Docket No. 2009-1763-MWD-E

PCW

Respondent Bell County Water Control and Improvement District No. 2

Policy Revision 2 (September 2002)

Case ID No. 38547

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101610418

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and 319.11(a) and Texas Pollutant Discharge Elimination System Permit ("TPDES") No. WQ0011091001 Monitoring and Reporting Requirements No. 2

Violation Description

Failed to comply with test procedures for analyses of pollutants, as documented by an investigation conducted on May 7, 2009. Specifically, the Respondent was not performing the manganese interference correction for total chlorine residual analysis and did not have a secondary element, such as a staff gauge installed at the primary flow measuring device.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or the environment as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 1

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 based on the May 7, 2009 investigation.

Good Faith Efforts to Comply

10.0% Reduction

\$100

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

Notes: The Respondent began performing the manganese correction on May 8, 2009 and submitted documentation that a staff gauge was installed on or about August 25, 2009.

Violation Subtotal \$900

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$3,100

This violation Final Assessed Penalty (adjusted for limits) \$3,100

Economic Benefit Worksheet

Respondent: Bell County Water Control and Improvement District No. 2
Case ID No.: 38547
Reg. Ent. Reference No.: RN101610418
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

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$250	7-May-2009	25-Aug-2009	0.30	\$0	\$5
Buildings				0.00	\$0	\$0
Other (as needed)				0.00	\$0	\$0
Engineering/construction				0.00	\$0	\$0
Land				0.00	\$0	n/a
Record Keeping System				0.00	\$0	n/a
Training/Sampling	\$50	7-May-2009	8-May-2009	0.00	\$0	n/a
Remediation/Disposal				0.00	\$0	n/a
Permit Costs				0.00	\$0	n/a
Other (as needed)				0.00	\$0	n/a

This is the estimated cost to purchase the chemicals or solution necessary to perform the manganese correction when conducting the chlorine residual analysis and to install a new staff gauge at the primary flow measuring device. The date required is the date of the investigation and the final dates are the date that the Respondent began performing the manganese correction and the date that the staff gauge was installed.

Notes for DELAYED costs

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$300	TOTAL	\$5
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Screening Date 1-Sep-2009

Docket No. 2009-1763-MWD-E

PCW

Respondent Bell County Water Control and Improvement District No. 2

Policy Revision 2 (September 2002)

Case ID No. 38547

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101610418

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0011091001 Operational Requirements No. 1

Violation Description

Failed to ensure that all systems of collection, treatment, and disposal are being properly operated and maintained, as documented by an investigation conducted on May 7, 2009. Specifically, the rubber skimmer blade was not properly sealing against the weir baffle; there were two feet of sludge in the chlorine contact chamber; excessive foam was present in both aeration basins and sludge digesters; and the clarifiers and the chlorine contact chamber contained excessive floating solids.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or the environment as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 58

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 from the investigation date (May 7, 2009) to the date compliance was achieved (August 25, 2009).

Good Faith Efforts to Comply

10.0% Reduction

\$100

	Before NOV	NOV to EDP RP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes On October 13, 2009, the Respondent submitted compliance documentation indicating that the equipment was repaired on or about August 25, 2009.

Violation Subtotal \$900

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$3,100

This violation Final Assessed Penalty (adjusted for limits) \$3,100

Economic Benefit Worksheet

Respondent: Bell County Water Control and Improvement District No. 2
Case ID No.: 38547
Reg. Ent. Reference No.: RN101610418
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

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	\$500	7-May-2009	25-Aug-2009	0.30	\$8	n/a	\$8
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

This is the cost incurred to remove and properly dispose of sludge and solids in the treatment units and to repair the weir skimmer blade. The date required is the investigation date and the final date is the date that compliance was achieved.

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

\$500

TOTAL

\$8

Screening Date 1-Sep-2009

Docket No. 2009-1763-MWD-E

PCW

Respondent Bell County Water Control and Improvement District No. 2

Policy Revision 2 (September 2002)

Case ID No. 38547

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101610418

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(4), Tex. Water Code § 26.121(a), and TPDES Permit No. WQ0011091001 Permit Conditions No. 2.g

Violation Description

Failed to prevent the unauthorized discharge of wastewater, as documented during the May 7, 2009 investigation. Specifically, an influent pipe going to the aeration basin was severely corroded, allowing raw wastewater to discharge onto the ground. The discharge was flowing off the Facility grounds and pooling in a ditch adjacent to the Facility.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 155

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 from the investigation date (May 7, 2009) to the date compliance was achieved (August 25, 2009).

Good Faith Efforts to Comply

10.0% Reduction

\$100

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

Notes On October 13, 2009, the Respondent submitted compliance documentation indicating that the equipment was repaired on or about August 25, 2009.

Violation Subtotal \$900

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$18

Violation Final Penalty Total \$3,100

This violation Final Assessed Penalty (adjusted for limits) \$3,100

Economic Benefit Worksheet

Respondent: Bell County Water Control and Improvement District No. 2
Case ID No.: 38547
Reg. Ent. Reference No.: RN101610418
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	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	\$750	7-May-2009	25-Aug-2009	0.30	\$1	\$15	\$16
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

This is the cost incurred to replace the corroded influent pipe going to the aeration basin. The date required is the investigation date and the final date is the date that the pipe was repaired.

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

\$750

TOTAL

\$18

Screening Date 1-Sep-2009

Docket No. 2009-1763-MWD-E

PCW

Respondent Bell County Water Control and Improvement District No. 2

Policy Revision 2 (September 2002)

Case ID No. 38547

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101610418

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and (9)(A) and TPDES Permit No. WQ0011091001 Monitoring and Reporting Requirements Nos. 7.a and b

Violation Description

Failed to report an unauthorized discharge to the TCEQ orally within 24 hours and in writing within five days from becoming aware of the noncompliance. Specifically, the Respondent failed to notify the TCEQ of the unauthorized discharge from the aeration basin that occurred on May 7, 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 10%

Matrix Notes

100% of this rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

Number of violation days 1

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,000

One single event is recommended.

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 \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$3,200

This violation Final Assessed Penalty (adjusted for limits) \$3,200

Economic Benefit Worksheet

Respondent: Bell County Water Control and Improvement District No. 2
Case ID No.: 38547
Reg. Ent. Reference No.: RN101610418
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
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)	\$100	7-May-2009	30-Apr-2010	0.98	\$0	\$7	\$7
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

This is the estimated cost to implement a plan to report noncompliances orally within 24 hours and written within five days of becoming aware of the noncompliance; and to conduct employee training. The date required is the date of the investigation and the final date is the anticipated date of compliance.

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

\$100

TOTAL

\$7

Screening Date 1-Sep-2009

Docket No. 2009-1763-MWD-E

PCW

Respondent Bell County Water Control and Improvement District No. 2

Policy Revision 2 (September 2002)

Case ID No. 38547

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101610418

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a), and TPDES Permit No. WQ0011091001 Effluent Limitations and Monitoring Requirements No. 4 and Permit Conditions No. 2.d

Violation Description Failed to prevent the unauthorized discharge of solids into the receiving stream, as documented during the May 7, 2009 investigation. Specifically, during the investigation an accumulation of sludge was noted in the receiving stream. Sludge was noted up to approximately 400 yards downstream of Outfall 001. On May 11, 2009, solids and water samples were taken approximately five yards upstream, 15 yards downstream, and 250 - 300 yards downstream of the outfall. The results are shown in the attached table. Bloodworms were also present in the receiving stream.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	X			50%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 4 Number of violation days 117

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

Violation Base Penalty \$20,000

Four monthly events are recommended from the investigation date (May 7, 2009) to the date the receiving stream was cleaned (August 25, 2009).

Good Faith Efforts to Comply

10.0% Reduction

\$2,000

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

Notes

The Respondent cleaned the receiving stream on or about August 25, 2009.

Violation Subtotal \$18,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$82,000

This violation Final Assessed Penalty (adjusted for limits) \$82,000

Economic Benefit Worksheet

Respondent: Bell County Water Control and Improvement District No. 2
Case ID No.: 38547
Reg. Ent. Reference No.: RN101610418
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	\$250	7-May-2009	25-Aug-2009	0.30	\$4	n/a	\$4
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

This is the cost to vacuum the receiving stream and properly dispose of any solids collected. The date required is the investigation date and the final date is the date that the solids were removed from the receiving stream.

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

\$250

TOTAL

\$4

SAMPLE RESULTS
BELL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2
TPDES PERMIT NO. WQ0011091001
DOCKET NO. 2009-1763-MWD-E

Location	Biochemical Oxygen Demand (mg/L).	Total Solids (mg/L)	Ammonia Nitrogen (mg/L)
5 yards upstream (solids)	20	N/A	N/A
15 yards downstream (solids)	N/A	10.22	213
250 – 300 yards downstream of outfall (solids)	N/A	10.57	385
15 yards downstream (liquid)	55	30.8	76
250 – 300 yards downstream of outfall (liquid)	81	20	402

mg/L = milligrams per liter
 N/A = not available

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600737522	Bell County Water Control & Improvement District No. 2	Classification: AVERAGE	Rating: 3.66
Regulated Entity:	RN101610418	LITTLE RIVER PLANT	Classification: AVERAGE	Site Rating: 6.30
ID Number(s):	WASTEWATER	PERMIT	WQ0011091001	
	WASTEWATER	PERMIT	TPDES0020257	
	WASTEWATER	PERMIT	TX0020257	
	WASTEWATER LICENSING	LICENSE	WQ0011091001	
Location:	IMMEDIATELY EAST OF THE MISSOURI-KANSAS-TEXAS RR; APPR. 2000 FT S OF FM RD 436, BELL CO, TEXAS			
TCEQ Region:	REGION 09 - WACO			
Date Compliance History Prepared:	October 28, 2009			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	October 28, 2004 to October 28, 2009			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Pamela Campbell	Phone:	239 - 4493	

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: 11/03/2006 ADMINORDER 2005-0474-MWD-E

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.7(c)

Rqmt Prov: Monitoring & Reporting Req., N.3cP.5 PERMIT

Description: Failed maintain chain of custody records, QA/QC records for effluent samples, dissolved oxygen calibration logs, and sludge disposal manifests

Classification: Moderate

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)

Rqmt Prov: Monitoring & Reporting Req., N.7cP.6 PERMIT

Description: Failure to report 40% noncompliances to the TCEQ within the required notification period.

Classification: Minor

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

Rqmt Prov: Sludge Provisions, Section II. F Pg.22 PERMIT

Description: Failure to submit a complete Annual Sludge Report to the TCEQ by September 1 of each year.

Classification: Major

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

Rqmt Prov: Final Effluent Limitations PERMIT

Description: Failure by the permittee to prevent the discharge and accumulation of sludge in the receiving water.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.11

Rqmt Prov: Monitoring & Reporting Req., N.2P.4 PERMIT

Description: Failure by the permittee to comply with test procedures specified in 319.11 - 319.12, by failing to properly conduct residual chlorine analysis

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.11(a)

Rqmt Prov: Monitoring & Reporting Req., N.2 P.4 PERMIT

Description: Failure to comply with procedures specified in 30 TAC 319.11 regarding usage of a flow measurement device that meets the US Bureau of Reclamation Water Measurement Manual.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

Rqmt Prov: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Effluent Limits PERMIT
Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

- 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 11/19/2004 (382186)
- 2 12/22/2004 (382187)
- 3 02/11/2005 (340928)
- 4 03/09/2005 (420046)
- 5 03/17/2005 (420047)
- 6 03/21/2005 (373393)
- 7 04/20/2005 (420048)
- 8 05/06/2005 (420049)
- 9 06/13/2005 (420050)
- 10 07/08/2005 (441162)
- 11 08/22/2005 (441163)
- 12 09/15/2005 (441164)
- 13 10/14/2005 (469001)
- 14 11/18/2005 (469002)
- 15 12/14/2005 (469003)
- 16 01/10/2006 (469004)
- 17 02/10/2006 (468999)
- 18 03/14/2006 (469000)
- 19 04/14/2006 (498567)
- 20 05/23/2006 (498568)
- 21 06/15/2006 (498569)
- 22 07/12/2006 (520569)
- 23 08/08/2006 (520570)
- 24 09/08/2006 (520571)
- 25 09/08/2006 (520572)
- 26 10/11/2006 (576098)
- 27 11/07/2006 (576099)
- 28 12/11/2006 (607714)
- 29 01/09/2007 (576100)
- 30 02/14/2007 (576093)
- 31 03/07/2007 (576094)
- 32 04/10/2007 (576095)
- 33 05/09/2007 (576096)
- 34 06/11/2007 (576097)
- 35 08/14/2007 (607712)
- 36 09/10/2007 (607713)
- 37 10/11/2007 (619785)
- 38 11/14/2007 (619786)
- 39 12/11/2007 (619787)
- 40 01/08/2008 (672292)
- 41 02/05/2008 (672291)
- 42 03/07/2008 (690207)
- 43 04/07/2008 (690208)
- 44 05/13/2008 (690209)
- 45 06/06/2008 (711017)
- 46 07/08/2008 (711018)
- 47 08/13/2008 (711019)
- 48 09/09/2008 (711020)
- 49 09/30/2008 (727679)
- 50 10/10/2008 (727680)
- 51 11/13/2008 (727681)
- 52 12/11/2008 (768539)
- 53 01/08/2009 (750523)
- 54 02/12/2009 (750522)
- 55 03/17/2009 (768536)
- 56 04/14/2009 (768537)
- 57 05/15/2009 (768538)

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

Date: 10/31/2004 (382186) CN600737522
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2004 (382187) CN600737522
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2005 (420046) CN600737522
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2005 (420047) CN600737522
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2005 (420048) CN600737522
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2005 (420049) CN600737522
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2005 (420050) CN600737522
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2005 (441162) CN600737522
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2005 (441163) CN600737522
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2005 (441164) CN600737522
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2005 (469001) CN600737522
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2005 (469002) CN600737522
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2005 (469003) CN600737522
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2005 (469004) CN600737522
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2006 (468999) CN600737522
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2006 (469000) CN600737522
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2006 (498567) CN600737522
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2006 (498568) CN600737522
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2006 (498569) CN600737522
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2006 (520569) CN600737522
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2006 (520572) CN600737522
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2006 (576100) CN600737522
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2007 (576093) CN600737522

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

Date: 02/28/2007 (576094) CN600737522
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2007 (576096) CN600737522
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2007 (607712) CN600737522
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: 08/31/2007 (607713) CN600737522
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: 09/30/2007 (619785) CN600737522
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 (619786) CN600737522
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 (619787) CN600737522
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 (672292) CN600737522
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 (711017) CN600737522
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: 06/30/2008 (711018) CN600737522
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: 08/31/2008 (711020) CN600737522
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: 09/01/2008 (727679) CN600737522
 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 (727680) CN600737522
 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: 10/31/2008 (727681) CN600737522
 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: 11/30/2008 (768539) CN600737522
 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: 01/31/2009 (750522) CN600737522
 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: 03/31/2009 (768537) CN600737522
 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

- F. Environmental audits.
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	§	TEXAS COMMISSION ON
BELL COUNTY WATER CONTROL AND	§	
IMPROVEMENT DISTRICT NO. 2	§	ENVIRONMENTAL QUALITY
RN101610418	§	

AGREED ORDER
DOCKET NO. 2009-1763-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 Bell County Water Control and Improvement District No. 2 ("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 immediately east of the Missouri-Kansas-Texas Railroad, approximately 2000 feet south of Farm-to-Market Road 436 in Bell 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 May 7, 2009, TCEQ staff documented that the manganese interference correction for total chlorine residual analysis was not being performed and that there was not a secondary element, such as a staff gauge, installed at the primary flow measuring device.
4. During an investigation on May 7, 2009, TCEQ staff documented that the rubber skimmer blade was not properly sealing against the weir baffle; there were two feet of sludge in the chlorine contact chamber; excessive foam was present in both aeration basins and sludge digesters; and the clarifiers and the chlorine contact chamber contained excessive floating solids.
5. During an investigation on May 7, 2009, TCEQ staff observed a severely corroded influent pipe going to the aeration basin, allowing raw wastewater to discharge onto the ground. The discharge was flowing off the Facility grounds and pooling in a ditch adjacent to the Facility.
6. During an investigation on May 7, 2009, TCEQ staff documented that the Respondent did not notify the TCEQ of the unauthorized discharge from the aeration basin that occurred on May 7, 2009.
7. During an investigation on May 7, 2009, TCEQ staff observed an accumulation of sludge in the receiving stream. On May 11, 2009, solids and water samples were taken approximately five yards upstream, 15 yards downstream, and 250 - 300 yards downstream of the outfall. The results are shown in the following table. Bloodworms were also present in the receiving stream.

SAMPLE RESULTS

Location	Biochemical Oxygen Demand (mg/L).	Total Solids (mg/L)	Ammonia Nitrogen (mg/L)
5 yards upstream (solids)	20	N/A	N/A
15 yards downstream (solids)	N/A	10.22	213
250 – 300 yards downstream of outfall (solids)	N/A	10.57	385
15 yards downstream (liquid)	55	30.8	76
250 – 300 yards downstream of outfall (liquid)	81	20	402

mg/L = milligrams per liter
 N/A is not available

8. The Respondent received notice of the violations on August 13, 2009.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. On May 8, 2009, began performing the manganese interference correction for total chlorine residual analysis;
 - b. On or about August 25, 2009, removed and properly disposed of sludge and solids in the treatment units and repaired the weir skimmer blade;
 - c. On or about August 25, 2009, installed a staff gauge at the primary flow measuring device;
 - d. On or about August 25, 2009, replaced the corroded influent pipe going to the aeration basin, removed the pooled wastewater, and properly disinfected the area; and
 - e. On or about August 25, 2009, vacuumed the receiving stream, and removed and properly disposed of any solids collected.

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 comply with test procedures for analyses of pollutants, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(a) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011091001 Monitoring and Reporting Requirements No. 2.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to ensure that all systems of collection, treatment, and disposal are being properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0011091001 Operational Requirements No. 1.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to prevent the unauthorized discharge of wastewater, in violation of 30 TEX. ADMIN. CODE § 305.125(4), TEX. WATER CODE § 26.121(a), and TPDES Permit No. WQ0011091001 Permit Conditions No. 2.g.
5. As evidenced by Findings of Fact No. 6, the Respondent failed to report an unauthorized discharge to the TCEQ orally within 24 hours and in writing within five days of becoming aware of the noncompliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and TPDES Permit No. WQ0011091001 Monitoring and Reporting Requirements Nos. 7.a and b.

6. As evidenced by Findings of Fact No. 7, the Respondent failed to prevent the unauthorized discharge of solids into the receiving stream, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and TPDES Permit No. WQ0011091001 Effluent Limitations and Monitoring Requirements No. 4 and Permit Conditions No. 2.d.
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 Seventy-Four Thousand Five Hundred Dollars (\$74,500) 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 Four Thousand Five Hundred Dollars (\$4,500) of the administrative penalty.

The remaining amount of Seventy Thousand Dollars (\$70,000) of the administrative penalty shall be payable in 35 monthly payments of Two Thousand Dollars (\$2,000) each. 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 Seventy-Four Thousand Five Hundred Dollars (\$74,500) 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: Bell County Water Control and Improvement District No. 2, Docket No. 2009-1763-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, within 45 days after the date of this Agreed Order, certify that the standard operating procedures for the Facility have been updated and employee training has been conducted to ensure that all reporting requirements are properly accomplished. The written certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. 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 Szelles
For the Executive Director

7/9/2010
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Bell County Water Control and Improvement District No. 2. I am authorized to agree to the attached Agreed Order on behalf of Bell County Water Control and Improvement District No. 2, 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, Bell County Water Control and Improvement District No. 2 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.

Billy K. Fasley
Signature

5-18-10
Date

Billy K. Fasley
Name (Printed or typed)

President
Title

Authorized Representative of
Bell County Water Control and Improvement District No. 2

