

Executive Summary – Enforcement Matter – Case No. 64867
Bell County Water Control and Improvement District 2
RN101610418
Docket No. 2023-1389-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Little River Plant, 610 South Evans Street, Little River Academy, Bell County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 15, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$109,200

Total Paid to General Revenue: \$3,045

Total Due to General Revenue: \$106,155

Payment Plan: 35 payments of \$3,033 each

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 31, 2023

Date(s) of NOE(s): August 30, 2023

Executive Summary – Enforcement Matter – Case No. 64867
Bell County Water Control and Improvement District 2
RN101610418
Docket No. 2023-1389-MWD-E

Violation Information

Failed to comply with permitted effluent limitations for dissolved oxygen, total suspend solids, *Escherichia coli*, total residual chlorine, and biochemical oxygen demand (5-day) [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011091001, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to, within 130 days, submit written certification of compliance with the effluent limitations of the TPDES Permit No. WQ0011091001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Kolby Farren, Enforcement Division, Enforcement Team 7, MC R-12, (512) 239-2098; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Andreana Salas, Project Manager, Bell County Water Control and Improvement District 2, 610 South Evans Street, Little River Academy, Texas 76554
Joe Chaffin, Vice President, Bell County Water Control and Improvement District 2, 610 South Evans Street, Little River Academy, Texas 76554

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	5-Sep-2023	PCW	26-Sep-2023	Screening	22-Sep-2023	EPA Due	
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RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	64867	No. of Violations	3
Docket No.	2023-1389-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Kolby Farren
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$60,000
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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	82.0%	Adjustment	Subtotals 2, 3, & 7	\$49,200
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Notes: Enhancement for ten months of self-reported effluent violations, one NOV with the same/similar violations, one NOV with dissimilar violations, and one Enforcement Order without a denial of liability.

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	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$3,068
Estimated Cost of Compliance \$25,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$109,200
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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	\$109,200
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$109,200
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$109,200
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Screening Date	22-Sep-2023	Docket No.	2023-1389-MWD-E	PCW
Respondent	Bell County Water Control and Improvement District 2			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	64867			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101610418			
Media	Water Quality			
Enf. Coordinator	Kolby Farren			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	11	55%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
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) 82%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for ten months of self-reported effluent violations, one NOV with the same/similar violations, one NOV with dissimilar violations, and one Enforcement Order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 82%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 82%

Screening Date	22-Sep-2023	Docket No.	2023-1389-MWD-E	PCW
Respondent	Bell County Water Control and Improvement District 2	Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021		
Case ID No.	64867			
Reg. Ent. Reference No.	RN101610418			
Media	Water Quality			
Enf. Coordinator	Kolby Farren			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011091001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6			
Violation Description	Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm				
	Release	Major	Moderate	Minor		
	Actual	x				
	Potential				Percent	50.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent	0.0%
Matrix Notes	A simplified model was used to evaluate biochemical oxygen demand (5-day) to determine whether the discharged amounts of pollutants exceeded protective levels. Dissolved oxygen, total suspended solids, and <i>Escherichia coli</i> were also considered. 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 the violation.					
Adjustment					\$12,500	

\$12,500

Violation Events

Number of Violation Events	2	Number of violation days	61	
	daily			
	weekly			
	monthly	X		
	quarterly			
	semiannual			
	annual			
	single event			
Violation Base Penalty				\$25,000

Two monthly events are recommended for the months of April 2022 and January 2023.

Good Faith Efforts to Comply

	0.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary			
N/A	X		
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal			\$25,000

Economic Benefit (EB) for this violation

Estimated EB Amount	\$3,068	Violation Final Penalty Total
		\$45,500
This violation Final Assessed Penalty (adjusted for limits)		\$45,500

Statutory Limit Test

Estimated EB Amount	\$3,068	Violation Final Penalty Total
		\$45,500
This violation Final Assessed Penalty (adjusted for limits)		\$45,500

Economic Benefit Worksheet

Respondent Bell County Water Control and Improvement District 2
Case ID No. 64867
Reg. Ent. Reference No. RN101610418
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	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)	\$25,000	30-Apr-2022	12-Oct-2024	2.45	\$3,068	n/a	\$3,068

Notes for DELAYED costs

Estimated Other cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with permitted effluent limitations. The Date Required is the end date of the first month of noncompliance, and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25,000

TOTAL

\$3,068

Screening Date 22-Sep-2023 Respondent Bell County Water Control and Improvement District 2 Case ID No. 64867 Reg. Ent. Reference No. RN101610418 Media Water Quality Enf. Coordinator Kolby Farren	Docket No. 2023-1389-MWD-E Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021	PCW
Violation Number 2		
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0011091001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2		
Violation Description Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.		
Base Penalty		\$25,000

>> Environmental, Property and Human Health Matrix

OR		Release	Harm		
		Major	Moderate	Minor	
	Actual	x			Percent 25.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes: Total residual chlorine, total suspended solids, and *Escherichia coli* were evaluated to determine whether the discharged amounts of pollutants exceeded protective levels. Human health or the environment has been exposed to a significant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$18,750

\$6,250

Violation Events

Number of Violation Events	5		152	Number of violation days
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	daily			Violation Base Penalty \$31,250
	weekly			
	monthly	X		
	quarterly			
	semiannual			
	annual			
	single event			

Five monthly events are recommended for the months of May, July, and August 2022 and February and March 2023.

Good Faith Efforts to Comply

	0.0%		Reduction \$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary			
N/A	X		

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

Violation Subtotal \$31,250

Economic Benefit (EB) for this violation

Estimated EB Amount	\$0	Statutory Limit Test
		Violation Final Penalty Total \$56,875
		This violation Final Assessed Penalty (adjusted for limits) \$56,875

Economic Benefit Worksheet

Respondent Bell County Water Control and Improvement District 2
Case ID No. 64867
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	Costs Saved	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)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated Other cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with permitted effluent limitations is captured in The Economic Benefits Worksheet for Violation No. 1.						

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance \$0

TOTAL \$0

Screening Date 22-Sep-2023 Respondent Bell County Water Control and Improvement District 2 Case ID No. 64867 Reg. Ent. Reference No. RN101610418 Media Water Quality Enf. Coordinator Kolby Farren	Docket No. 2023-1389-MWD-E Violation Number 3	PCW <small>Policy Revision 5 (January 28, 2021)</small> <small>PCW Revision February 11, 2021</small>															
Rule Cite(s) <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0011091001, Effluent Limitations and Monitoring Requirements No. 1 </div>																	
Violation Description <div style="border: 1px solid black; padding: 10px; margin-top: 5px; background-color: #ffffcc;"> Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table. </div>																	
Base Penalty \$25,000																	
>> Environmental, Property and Human Health Matrix																	
OR	Release Actual Potential	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: center;">Major</th> <th style="text-align: center;">Moderate</th> <th style="text-align: center;">Minor</th> </tr> <tr> <td style="height: 20px;"></td> <td style="height: 20px;"></td> <td style="text-align: center;">X</td> </tr> <tr> <td style="height: 20px;"></td> <td style="height: 20px;"></td> <td style="height: 20px;"></td> </tr> </table>	Major	Moderate	Minor			X				Percent 15.0%					
	Major	Moderate	Minor														
			X														
>> Programmatic Matrix																	
		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: center;">Falsification</th> <th style="text-align: center;">Major</th> <th style="text-align: center;">Moderate</th> <th style="text-align: center;">Minor</th> </tr> <tr> <td style="height: 20px;"></td> <td style="height: 20px;"></td> <td style="height: 20px;"></td> <td style="height: 20px;"></td> </tr> </table>	Falsification	Major	Moderate	Minor					Percent 0.0%						
Falsification	Major	Moderate	Minor														
Matrix Notes	<div style="border: 1px solid black; padding: 10px; margin-top: 5px; background-color: #ffffcc;"> Total suspended solids and <i>Escherichia coli</i> were evaluated to determine whether the discharged amounts of pollutants exceeded protective levels. Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation. </div>																
Adjustment \$21,250		\$3,750															
Violation Events																	
Number of Violation Events 1		61 Number of violation days															
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="padding: 2px;">daily</td><td style="width: 50px; height: 20px;"></td></tr> <tr><td style="padding: 2px;">weekly</td><td style="height: 20px;"></td></tr> <tr><td style="padding: 2px;">monthly</td><td style="height: 20px;"></td></tr> <tr><td style="padding: 2px;">quarterly</td><td style="text-align: center;">X</td></tr> <tr><td style="padding: 2px;">semiannual</td><td style="height: 20px;"></td></tr> <tr><td style="padding: 2px;">annual</td><td style="height: 20px;"></td></tr> <tr><td style="padding: 2px;">single event</td><td style="height: 20px;"></td></tr> </table>	daily		weekly		monthly		quarterly	X	semiannual		annual		single event		Violation Base Penalty \$3,750	
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weekly																	
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quarterly	X																
semiannual																	
annual																	
single event																	
<div style="border: 1px solid black; padding: 10px; margin-top: 5px; background-color: #ffffcc;"> One quarterly event is recommended for the quarter containing the months of November and December 2022. </div>																	
Good Faith Efforts to Comply		Reduction \$0															
<table style="width: 100%;"> <tr> <td style="width: 30%;"></td> <td style="width: 30%; text-align: center;"> <div style="border: 1px solid black; padding: 2px;">0.0%</div> <small>Before NOE/NOV NOE/NOV to EDP RP/Settlement Offer</small> </td> <td style="width: 40%;"></td> </tr> <tr> <td>Extraordinary</td> <td style="border: 1px solid black; height: 20px;"></td> <td style="border: 1px solid black; height: 20px;"></td> </tr> <tr> <td>Ordinary</td> <td style="border: 1px solid black; height: 20px;"></td> <td style="border: 1px solid black; height: 20px;"></td> </tr> <tr> <td>N/A</td> <td style="text-align: center;">X</td> <td style="border: 1px solid black; height: 20px;"></td> </tr> <tr> <td>Notes</td> <td colspan="2" style="border: 1px solid black; padding: 5px; margin-top: 5px;"> The Respondent does not meet the good faith criteria for this violation. </td> </tr> </table>				<div style="border: 1px solid black; padding: 2px;">0.0%</div> <small>Before NOE/NOV NOE/NOV to EDP RP/Settlement Offer</small>		Extraordinary			Ordinary			N/A	X		Notes	The Respondent does not meet the good faith criteria for this violation.	
	<div style="border: 1px solid black; padding: 2px;">0.0%</div> <small>Before NOE/NOV NOE/NOV to EDP RP/Settlement Offer</small>																
Extraordinary																	
Ordinary																	
N/A	X																
Notes	The Respondent does not meet the good faith criteria for this violation.																
Violation Subtotal \$3,750																	
Economic Benefit (EB) for this violation																	
Estimated EB Amount \$0		Statutory Limit Test Violation Final Penalty Total \$6,825															
This violation Final Assessed Penalty (adjusted for limits) \$6,825																	

Economic Benefit Worksheet

Respondent Bell County Water Control and Improvement District 2
Case ID No. 64867
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	Costs Saved	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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Other cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with permitted effluent limitations is captured in The Economic Benefits Worksheet for Violation No. 1.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Bell County Water Control and Improvement District 2

Docket No. 2023-1389-MWD-E

TPDES Permit No. WQ0011091001

Case No. 64867

Effluent Violation Table

	BOD (5-day) Daily Average Conc.	BOD (5-day) Single Grab Conc.	Total Residual Chlorine Mon. Max. Conc.	<i>E. coli</i> Daily Average Conc.	<i>E. coli</i> Single Grab Conc.	Dissolved Oxygen Mon. Min. Conc.	TSS Daily Average Conc.	TSS Single Grab Conc.
Monitoring Period	Limit = 20 mg/L	Limit = 65 mg/L	Limit = 4.0 mg/L	Limit = 126 CFU/100 mL	Limit = 399 CFU/100 mL	Limit = 2.0 mg/L	Limit = 20 mg/L	Limit= 65 mg/L
April 2022	32	118	c	8152	241960	0.8	c	c
May 2022	c	c	c	1511	2064	c	32	107
July 2022	c	c	c	637	>2420	c	c	c
August 2022	c	c	c	456	3106	c	c	c
November 2022	c	c	c	c	1046	c	c	c
December 2022	c	c	c	c	c	c	22	c
January 2023	c	c	c	1240	5475	c	29	c
February 2023	c	c	c	299	2420	c	23	c
March 2023	c	c	6	325	2092	c	29.8	c

Conc. = concentration mg/L = milligrams per liter CFU/100 mL = colony forming units per
100 milliliters

c = compliant BOD = Biochemical Oxygen Demand TSS = Total Suspended Solids

Mon. = Monthly Min.= Minimum Max. = Maximum *E. coli*= *Escherichia coli*



Compliance History Report

Compliance History Report for CN600737522, RN101610418, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN600737522, Bell County Water Control & Improvement District 2
Classification: SATISFACTORY
Rating: 6.39

Regulated Entity: RN101610418, LITTLE RIVER PLANT
Classification: SATISFACTORY
Rating: 9.43

Complexity Points: 4
Repeat Violator: NO

CH Group: 08 - Sewage Treatment Facilities

Location: 610 South Evans Street, Little River Academy, Bell County, Texas

TCEQ Region: REGION 09 - WACO

ID Number(s):
WASTEWATER PERMIT WQ0011091001
WASTEWATER EPA ID TX0020257

Compliance History Period: September 01, 2018 to August 31, 2023
Rating Year: 2023
Rating Date: 09/01/2023

Date Compliance History Report Prepared: May 15, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 15, 2019 to May 15, 2024

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Kolby Farren
Phone: (512) 239-2098

Site and Owner/Operator History:

- 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

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 01/21/2020 ADMINORDER 2019-0183-MWD-E (Findings Order-Agreed Order Without Denial)
- Classification: Moderate
- Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
- Rqmt Prov: Eff. Lim. and Mon. Req. No. 1 PERMIT
- Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	June 13, 2019	(1583395)
Item 3	July 18, 2019	(1593208)
Item 4	September 17, 2019	(1606457)
Item 5	October 18, 2019	(1613303)
Item 6	December 11, 2019	(1626469)
Item 7	January 14, 2020	(1634110)

Item 8	February 28, 2020	(1640729)
Item 9	March 16, 2020	(1637212)
Item 10	August 21, 2020	(1670822)
Item 11	September 15, 2020	(1680409)
Item 12	October 16, 2020	(1693324)
Item 13	November 05, 2020	(1712662)
Item 14	December 08, 2020	(1712663)
Item 15	January 08, 2021	(1712664)
Item 16	February 11, 2021	(1725717)
Item 17	March 08, 2021	(1725718)
Item 18	April 08, 2021	(1725719)
Item 19	August 04, 2021	(1757236)
Item 20	July 15, 2022	(1842359)
Item 21	October 09, 2022	(1862646)
Item 22	November 12, 2022	(1869559)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	05/25/2023	(1902442)		
	Self Report?	NO		Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)(1) 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(4) Permit Conditions, 2(g) PERMIT			
	Description:	Failed to prevent the unauthorized discharge of wastewater.			
2	Date:	05/31/2023	(1919180)		
	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			
3	Date:	06/30/2023	(1926145)		
	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			
4	Date:	06/30/2023	(1903390)		
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Monitoring and Reporting, 7(a) PERMIT			
	Description:	Failed to provide notification of any noncompliance which may endanger human health or safety, or the environment.			
5	Date:	07/31/2023	(1933106)		
	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			
6	Date:	08/31/2023	(1939245)		
	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			
7	Date:	09/30/2023	(1946094)		
	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			
8	Date:	10/31/2023	(1951785)		

	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	
9	Date: 11/30/2023 (1961549)	
	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	
10	Date: 12/31/2023 (1968143)	
	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	
11	Date: 01/31/2024 (1977205)	
	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	
12	Date: 02/29/2024 (1983772)	
	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
ENFORCEMENT ACTION
CONCERNING
BELL COUNTY WATER CONTROL AND
IMPROVEMENT DISTRICT 2
RN101610418

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2023-1389-MWD-E

On _____, 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 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 Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including 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 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 agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this 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 plant located at 610 South Evans Street in Little River Academy, Bell County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. During a record review for the Facility conducted on May 31, 2023, an investigator documented that the Respondent did not comply with permitted effluent limitations, as shown in the effluent violation table below:

Effluent Violation Table								
	BOD (5-day) Daily Average Conc.	BOD (5-day) Single Grab Conc.	Total Residual Chlorine Mon. Max. Conc.	<i>E. coli</i> Daily Average Conc.	<i>E. coli</i> Single Grab Conc.	Dissolved Oxygen Mon. Min. Conc.	TSS Daily Average Conc.	TSS Single Grab Conc.
Monitoring Period	Limit = 20 mg/L	Limit = 65 mg/L	Limit = 4.0 mg/L	Limit = 126 CFU/100 mL	Limit = 399 CFU/100 mL	Limit = 2.0 mg/L	Limit = 20 mg/L	Limit= 65 mg/L
April 2022	32	118	c	8152	241960	0.8	c	c
May 2022	c	c	c	1511	2064	c	32	107
July 2022	c	c	c	637	>2420	c	c	c
August 2022	c	c	c	456	3106	c	c	c
November 2022	c	c	c	c	1046	c	c	c
December 2022	c	c	c	c	c	c	22	c
January 2023	c	c	c	1240	5475	c	29	c
February 2023	c	c	c	299	2420	c	23	c
March 2023	c	c	6	325	2092	c	29.8	c

Conc. = concentration mg/L = milligrams per liter CFU/100 mL = colony forming units per
100 milliliters

c = compliant BOD = Biochemical Oxygen Demand TSS = Total Suspended Solids
Mon. = Monthly Min.= Minimum Max. = Maximum *E. coli* = *Escherichia coli*

II. CONCLUSIONS OF LAW

- As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
- As evidenced by Finding of Fact No. 2, the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011091001, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6.

3. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$109,200 is justified by the facts recited in this Order and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid \$3,045 of the penalty. The remaining amount of \$106,155 shall be paid in 35 monthly payments of \$3,033 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty amount.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Bell County Water Control and Improvement District 2, Docket No. 2023-1389-MWD-E" to:

Financial Administration Division, Revenue Operations 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 130 days after the effective date of this Order, submit written certification of compliance with the effluent limitations of the TPDES Permit No. WQ0011091001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/ or other records to demonstrate compliance with permitted effluent limitations. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is 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:

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. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this 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. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
8. This 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 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 Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

12/17/2024

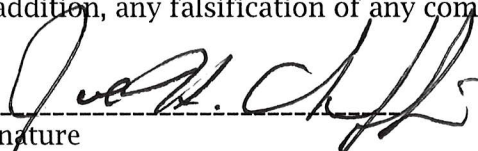
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that 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 OAG 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 OAG 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.



Signature

10/16/24

Date

Joe Chaffin

Name (Printed or typed)
Authorized Representative of
Bell County Water Control and Improvement District 2

Vice-President

Title

☐ If mailing address has changed, please check this box and provide the new address below: