

**Executive Summary – Enforcement Matter – Case No. 65428**  
**Bell County Water Control & Improvement District No. 2**  
**RN101610491**  
**Docket No. 2024-0257-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Academy WWTP, 206 South Highway 95, Little River-Academy, Bell County

**Type of Operation:**

Wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** May 10, 2024

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$12,150

**Amount Deferred for Expedited Settlement:** \$2,430

**Total Paid to General Revenue:** \$9,720

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**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:** October 27, 2023

**Date(s) of NOE(s):** January 12, 2024

**Executive Summary – Enforcement Matter – Case No. 65428**  
**Bell County Water Control & Improvement District No. 2**  
**RN101610491**  
**Docket No. 2024-0257-MWD-E**

***Violation Information***

Failed to comply with permitted effluent limitations for total suspended solids, daily average flow, *Escherichia coli*, and total residual chlorine [30 TEX. ADMIN. CODE. § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011090001 Effluent Limitations and Monitoring Requirements Nos. 1 and 2].

***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 TPDES Permit No. WQ0011090001, 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:** Taylor Williamson, Enforcement Division, Enforcement Team 1, MC R-12, (512) 239-2097; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Christopher Parker, Board President, Bell County Water Control & Improvement District No. 2, P.O. Box 505, Little River-Academy, Texas 76554-0505

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	29-Jan-2024		
	<b>PCW</b>	9-Feb-2024	<b>Screening</b>	6-Feb-2024
			<b>EPA Due</b>	

<b>RESPONDENT/FACILITY INFORMATION</b>				
<b>Respondent</b>	Bell County Water Control & Improvement District No. 2			
<b>Reg. Ent. Ref. No.</b>	RN101610491			
<b>Facility/Site Region</b>	9-Waco	<b>Major/Minor Source</b>	Minor	

<b>CASE INFORMATION</b>				
<b>Enf./Case ID No.</b>	65428	<b>No. of Violations</b>	1	
<b>Docket No.</b>	2024-0257-MWD-E	<b>Order Type</b>	1660	
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes	
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Taylor Williamson	
		<b>EC's Team</b>	Enforcement Team 1	
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000	

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$7,500
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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.

<b>Compliance History</b>	62.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$4,650
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Notes

Enhancement for eight months of self-reported effluent violations, one NOV for dissimilar violations, and one agreed order containing denial of liability.

<b>Culpability</b>	No	0.0%	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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Notes

The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$1,564
Estimated Cost of Compliance	\$15,000

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$12,150
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

<b>Final Penalty Amount</b>	\$12,150
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$12,150
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<b>DEFERRAL</b>	20.0%	<b>Reduction</b>	<b>Adjustment</b>	-\$2,430
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$9,720
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Screening Date

6-Feb-2024

Docket No.

2024-0257-MWD-E

PCW

Respondent

Bell County Water Control & Improvement District No. 2

Case ID No.

65428

Reg. Ent. Reference No.

RN101610491

Media

Water Quality

Enf. Coordinator

Taylor Williamson

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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> )	8	40%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	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 ( <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)62%

>> Repeat Violator (Subtotal 3)

NoAdjustment Percentage (Subtotal 3)0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory PerformerAdjustment Percentage (Subtotal 7)0%

>> Compliance History Summary

Compliance History Notes

Enhancement for eight months of self-reported effluent violations, one NOV for dissimilar violations, and one agreed order containing denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)62%

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100%62%

Screening Date

6-Feb-2024

Docket No.

2024-0257-MWD-E

PCW

Respondent

Bell County Water Control & Improvement District No. 2

Policy Revision 5 (January 28, 2021)

Case ID No.

65428

PCW Revision February 11, 2021

Reg. Ent. Reference No.

RN101610491

Media

Water Quality

Enf. Coordinator

Taylor Williamson

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. WQ0011090001 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

Major

Moderate

Minor

Actual

x

Potential

Percent

15.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent

0.0%

Matrix Notes

Escherichia coli , total suspended solids, flow, and total chlorine residual 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 that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

\$21,250

\$3,750

Violation Events

Number of Violation Events

2

153

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty

\$7,500

Two quarterly events are recommended for the quarters containing the months of March, April, May, June, and July 2023.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV

NOE/NOV to EDP RP/Settlement Offer

Extraordinary

Ordinary

N/A

x

Notes

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

Violation Subtotal

\$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$1,564

Violation Final Penalty Total

\$12,150

This violation Final Assessed Penalty (adjusted for limits)

\$12,150

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No.

Bell County Water Control & Improvement District No. 2 65428 RN101610491 Water Quality 1

Percent Interest	Years of Depreciation
5.0	15

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

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)	\$15,000	31-Mar-2023	30-Apr-2025	2.08	\$1,564	n/a	\$1,564

Notes for DELAYED costs

Estimated other cost to determine the cause of noncompliance, make any repairs/adjustments to the Facility, and achieve compliance with the 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 \$15,000 TOTAL \$1,564

Bell County Water Control & Improvement District No. 2 TPDES Permit No. WQ0011090001 Case No. 65428 Docket No. 2024-0257-MWD-E							
Effluent Violation Table							
	Total Residual Chlorine Monthly Min.	Total Residual Chlorine Monthly Max.	Flow Daily Avg.	TSS Daily Avg. Conc.	TSS Single Grab Conc.	<i>E. coli</i> Daily Avg. Conc.	<i>E. coli</i> Single Grab Conc.
Monitoring Period	Limit = 1.0 mg/L	Limit = 4.0 mg/L	Limit = 0.10 MGD	Limit = 20 mg/L	Limit = 65 mg/L	Limit = 126 CFU/100 mL	Limit = 399 CFU/100 mL
March 2023	c	4.5	0.34	56	113	c	c
April 2023	0.69	5.2	c	c	c	c	c
May 2023	0.02	6.1	c	c	c	c	c
June 2023	0.05	c	c	c	c	146.25	461
July 2023	0.03	6.01	c	c	c	c	c

Min. = minimum    Max. = maximum    Avg. = average    Conc. = concentration    TSS = total  
 suspended solids    *E. coli* = *Escherichia coli*    mg/L = milligrams per liter    MGD = million gallons  
 per day    CFU/100 mL = colony forming units per 100 milliliters    c = compliant



# Compliance History Report

Compliance History Report for CN600737522, RN101610491, 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 No. 2  
**Regulated Entity:** RN101610491, ACADEMY WWTP  
**Complexity Points:** 4  
**CH Group:** 08 - Sewage Treatment Facilities  
**Location:** 206 South Highway 95, Little River-Academy, Bell County, Texas  
**TCEQ Region:** REGION 09 - WACO  
**ID Number(s):**  
**WASTEWATER PERMIT** WQ0011090001  
**WASTEWATER EPA ID** TX0020249  
**Classification:** SATISFACTORY  
**Rating:** 6.39  
**Classification:** SATISFACTORY  
**Rating:** 4.97  
**Repeat Violator:** NO  
**Compliance History Period:** September 01, 2018 to August 31, 2023  
**Rating Year:** 2023  
**Rating Date:** 09/01/2023  
**Date Compliance History Report Prepared:** February 06, 2024  
**Agency Decision Requiring Compliance History:** Enforcement  
**Component Period Selected:** February 06, 2019 to February 06, 2024  
**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Taylor Williamson  
**Phone:** (512) 239-2097

## 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: 07/13/2021 ADMINORDER 2020-1271-MWD-E (1660 Order-Agreed Order With 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	February 12, 2019	(1559858)	Item 9	November 20, 2019	(1619116)
Item 2	April 08, 2019	(1559860)	Item 10	December 11, 2019	(1626468)
Item 3	May 13, 2019	(1583392)	Item 11	January 14, 2020	(1634109)
Item 4	June 13, 2019	(1583393)	Item 12	February 28, 2020	(1640728)
Item 5	July 18, 2019	(1593207)	Item 13	June 09, 2020	(1666675)
Item 6	August 22, 2019	(1599551)	Item 14	July 09, 2020	(1673632)
Item 7	September 17, 2019	(1606456)	Item 15	August 12, 2020	(1680408)
Item 8	October 18, 2019	(1613302)	Item 16	August 17, 2020	(1670127)



Item 17	September 15, 2020	(1686976)	Item 32	January 14, 2022	(1798511)
Item 18	October 16, 2020	(1693323)	Item 33	February 08, 2022	(1806384)
Item 19	November 05, 2020	(1712659)	Item 34	March 10, 2022	(1813453)
Item 20	December 08, 2020	(1712660)	Item 35	April 08, 2022	(1802324)
Item 21	January 08, 2021	(1712661)	Item 36	April 19, 2022	(1820023)
Item 22	February 11, 2021	(1725714)	Item 37	July 15, 2022	(1842358)
Item 23	March 08, 2021	(1725715)	Item 39	August 14, 2022	(1848489)
Item 24	April 08, 2021	(1725716)	Item 40	September 12, 2022	(1856289)
Item 25	May 14, 2021	(1740158)	Item 41	October 09, 2022	(1862645)
Item 26	July 08, 2021	(1751772)	Item 42	November 12, 2022	(1869558)
Item 27	August 04, 2021	(1757235)	Item 43	December 11, 2022	(1875409)
Item 28	September 15, 2021	(1766319)	Item 44	January 19, 2023	(1882230)
Item 29	October 11, 2021	(1776900)	Item 45	February 15, 2023	(1890044)
Item 30	November 10, 2021	(1783690)	Item 46	March 15, 2023	(1898605)
Item 31	December 09, 2021	(1790718)			

**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: 03/31/2023 (1905392)  |                 |          |
|   | Self Report? YES  | Classification: | Moderate |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)                              |                 |          |
|   | Description: Failure to meet the limit for one or more permit parameter   |                 |          |
| 2 | Date: 04/30/2023 (1912575)  |                 |          |
|   | Self Report? YES  | Classification: | Moderate |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)                              |                 |          |
|   | Description: Failure to meet the limit for one or more permit parameter   |                 |          |
| 3 | Date: 05/31/2023 (1919179)  |                 |          |
|   | Self Report? YES  | Classification: | Moderate |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>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 (1926144)  |                 |          |
|   | Self Report? YES  | Classification: | Moderate |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)                              |                 |          |
|   | Description: Failure to meet the limit for one or more permit parameter   |                 |          |
| 5 | Date: 06/30/2023 (1903406)  |                 |          |
|   | Self Report? NO   | Classification: | Moderate |
|   | Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)<br>Monitoring and Reporting, 7(a) PERMIT                                  |                 |          |
|   | Description: Failed to provide notification of any noncompliance which may endanger human health or safety, or the environment. |                 |          |
| 6 | Date: 07/31/2023 (1933105)  |                 |          |
|   | Self Report? YES  | Classification: | Moderate |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)                              |                 |          |
|   | Description: Failure to meet the limit for one or more permit parameter   |                 |          |
| 7 | Date: 08/31/2023 (1939244)  |                 |          |
|   | Self Report? YES  | Classification: | Moderate |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)                              |                 |          |
|   | Description: Failure to meet the limit for one or more permit parameter   |                 |          |
| 8 | Date: 09/30/2023 (1946093)  |                 |          |
|   | Self Report? YES  | Classification: | Moderate |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)                              |                 |          |

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

9 Date: 10/31/2023 (1951784)  
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 &  
IMPROVEMENT DISTRICT NO. 2  
RN101610491

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

## AGREED ORDER DOCKET NO. 2024-0257-MWD-E

### I. JURISDICTION AND STIPULATIONS

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 & 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 together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located at 206 South Highway 95 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. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$12,150 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$9,720 of the penalty and \$2,430 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

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 or conditions in this Order.
7. 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.
8. 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.

## II. ALLEGATIONS

During a record review for the Facility conducted on October 27, 2023, an investigator documented that 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. WQ0011090001 Effluent Limitations and Monitoring Requirements Nos. 1 and 2, as shown in the effluent violation table below.

Effluent Violation Table							
	Total Residual Chlorine Monthly Min.	Total Residual Chlorine Monthly Max.	Flow Daily Avg.	TSS Daily Avg. Conc.	TSS Single Grab Conc.	<i>E. coli</i> Daily Avg. Conc.	<i>E. coli</i> Single Grab Conc.
Monitoring Period	Limit = 1.0 mg/L	Limit = 4.0 mg/L	Limit = 0.10 MGD	Limit = 20 mg/L	Limit = 65 mg/L	Limit = 126 CFU/100 mL	Limit = 399 CFU/100 mL
March 2023	c	4.5	0.34	56	113	c	c
April 2023	0.69	5.2	c	c	c	c	c
May 2023	0.02	6.1	c	c	c	c	c
June 2023	0.05	c	c	c	c	146.25	461
July 2023	0.03	6.01	c	c	c	c	c

Min. = minimum Max. = maximum Avg. = average Conc. = concentration TSS = total suspended solids *E. coli* = *Escherichia coli* mg/L = milligrams per liter MGD = million gallons per day CFU/100 ml = colony forming units per 100 milliliters c = compliant

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Bell County Water Control & Improvement District No. 2, Docket No. 2024-0257-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 TPDES Permit No. WQ0011090001, 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. This certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the 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. 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.
7. 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.
8. 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**

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For the Commission

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Date

  
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For the Executive Director

5/28/2024

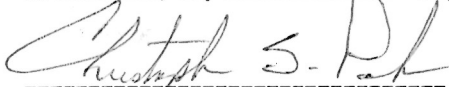
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Date

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.

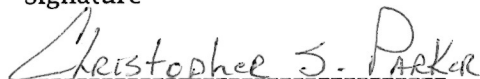
I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- 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.

  
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Signature

4/11/24  
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Date

  
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Name (Printed or typed)

WCID #2 Board President  
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Title

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

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