

Texas Commission on Environmental Quality

Compliance Agreement

West Travis County Public Utility Agency
TPDES Permit No. WQ0013594001; Case No. 47642
Lake Point WWTP; RN101625721
Travis County, Texas

The Texas Commission on Environmental Quality (“Commission” or “TCEQ”) is the state agency charged with enforcing TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE chs. 7 and 26 (the “Code”), and the regulations promulgated pursuant to the Code.

West Travis County Public Utility Agency (the “Respondent”) owns and operates the Lake Point Wastewater Treatment Plant, located at 3100 Napa Drive, approximately 1000 feet north of Farm-to-Market Road 2244 and 3000 feet northeast of the intersection of Farm-to-Market Road 2244 and State Highway 71 in Travis County, Texas (the “Facility”).

The Facility, which operates under Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0013594001, is in violation of the TCEQ’s requirements found in the TEX. HEALTH & SAFETY CODE ch. 341 and 30 TEX. ADMIN. CODE ch. 305. It has been determined that the Respondent’s operations are deficient due to its failure to maintain the Facility in compliance with the Code, TCEQ’s rules, and TPDES Permit No. WQ0013594001. The Respondent will be required to correct the violations listed in the following paragraphs to ensure a reduction of risk to public health and the environment, and to bring the Facility into compliance with its TPDES permit, the Code, and rules of the TCEQ.

Violations

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state, in violation of TEX. WATER CODE ch. 26.121(a), TEX. HEALTH & SAFETY CODE ch. 341.011(5), and TPDES Permit No. WQ0013594001, Permit Conditions No. 2.g, as documented during an investigation conducted on May 22, 2013 through July 25, 2013, October 16, 2013, November 1, 2013, and a record review conducted on August 21, 2013. Specifically, sanitary sewer overflows (“SSO”) have occurred from a manhole located on Napa Drive which discharged wastewater into nearby storm drains and subsequent ponds; and
2. Failed to properly operate and maintain the wastewater treatment plant and collection system, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0013594001, Operational Requirements No. 1, as documented during an investigation conducted on May 22, 2013 through July 25, 2013, and a

record review conducted on August 21, 2013. Specifically, deficient operation and maintenance of the Facility resulted in the emission of odors in the adjacent neighborhood.

In response to these violations, and in an effort to ensure appropriate efforts to achieve compliance are pursued with due diligence, and completed in a reasonable time, the Respondent and the Commission have entered into this Compliance Agreement ("CA").

TCEQ acknowledges that, by October 7, 2013, the Respondent has completed the following corrective actions at the Facility:

1. Extended the odor treatment system to include the influent wet well;
2. Completed construction of the Vapex™ odor abatement system;
3. Implemented calcium nitrate addition to the collection system to address odor issues;
4. Repaired and/or replaced covers for the equalization basins;
5. Constructed an additional lift station and effluent storage pond at the Bohl's Tract;
6. Cleaned and rehabilitated the equalization basin, the clarifier, and the aeration basin for Train No. 2;
7. Cleaned the digesters for Train Nos. 1 and 2;
8. Revised sludge handling protocol and developed a Standard Operating Procedure ("SOP") for decanting and sludge hauling; and
9. Revised process operations for the influent lift station to provide for automated pH adjustment.

Provisions

The provisions of this CA are as follows:

1. Beginning immediately upon the effective date of this CA, the Respondent shall:
 - a. Maintain a log of all odor complaints from all home owners or commercial property owners, and track all repairs and corrective measures that are completed in response to the complaints;

- b. Upon written request by the Lake Point Home Owners Association (“ Lake Point HOA”), provide an oral status report at each noticed Lake Point HOA meeting on all odor abatement and system capacity related projects;
 - c. Inspect the Napa and Bayton manholes on a weekly basis, take any necessary maintenance actions required, and prepare written condition assessment reports for each;
 - d. On a bi-weekly basis, provide a summary of hydrogen sulfide readings associated with all four (4) odor data loggers, and provide summary data available for inspection by the Commission at the Facility;
 - e. Notify the TCEQ Austin Regional Office of SSOs and conduct appropriate remediation actions as soon as practicable upon discovery of any SSOs; and
 - f. Provide redundancy for the high-level alarm systems at all 20 lift stations by installing a second float wired directly to the dialer at all lift stations, beginning with the lift stations located at the Facility and on Napa Street, and completing construction of five (5) lift stations every sixty days.
2. Within 90 days after the effective date of this CA, and on a quarterly basis thereafter, the Respondent shall provide a report to the Commission, to the addresses provided in Provision No. 9.b, which contains information regarding the progress of the corrective actions contained in this CA. These reports shall include information regarding actions taken by the Respondent towards completion of the Provisions of this CA as well as a record of the SSOs that have occurred and the actions taken to remediate unauthorized wastewater discharges;
 3. Within 180 days after the effective date of this CA, the Respondent shall:
 - a. Develop and submit a wastewater master plan (“Wastewater Plan”) for the Facility that addresses unauthorized discharges related to SSOs. The Wastewater Plan shall be prepared by a licensed professional engineer or TCEQ Class A licensed operator. At a minimum, the engineering report shall address potential discharges, and proposed solutions to prevent unauthorized discharges related to SSOs. Proposed solutions shall be supported by actual test data or appropriate calculations; and
 - b. Develop and submit an odor prevention plan (“Odor Plan”). The Odor Plan shall be prepared by a licensed professional engineer or TCEQ Class A licensed operator. At a minimum, the odor plan shall address existing climatological conditions such as wind velocity and atmospheric stability, potential odor generating units, and proposed solutions to prevent

nuisance conditions in the adjacent properties. Proposed solutions shall be supported by actual test data or appropriate calculations.

4. The Respondent shall complete the development of the Odor Plan and Wastewater Plan for the Facility within 180 days from the effective date of this CA. If the Respondent does not complete the development of the Odor Plan and Wastewater Plan for the Facility within 180 days from the effective date of this CA, this CA shall immediately terminate;
5. On or before September 30, 2014, the Respondent shall:
 - a. Complete construction of Lift Station No. 14 and all associated appurtenances;
 - b. Complete construction of additional wastewater treatment facilities at Bohl's Tract; and
 - c. Submit written certification of compliance with Provision Nos. 1.f, 3, 5.a, and 5.b, in accordance with Provision No. 9.b, below.
6. On or before December 31, 2014, the Respondent shall implement all proposed solutions identified in the Odor Plan to prevent nuisance conditions in the adjacent properties;
7. By September 1, 2015, the Respondent shall implement all proposed solutions identified in Phase I of the Wastewater Plan to prevent unauthorized discharges;
8. By September 1, 2016, the Respondent shall implement all proposed solutions identified in Phase II of the Wastewater Plan to prevent unauthorized discharges;
9. By November 1, 2016, the Respondent shall:
 - a. Submit a written Final Report that contains the following:
 - i. A summary of all corrective actions that have been completed in accordance with the Provisions in this CA; and
 - ii. A description of the overall improvement the corrective actions had on the Facility.
 - b. Submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Provision Nos. 1.a through 1.e, 6, 7, 8, and 9.a. 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 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:

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
Austin Regional Office
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

10. The Executive Director may grant an extension of any deadline in this CA or in any plan, report, or other document submitted pursuant to this CA, 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;
11. This CA shall terminate on November 30, 2016, or when compliance with the Code, TCEQ's rules, TPDES Permit No. WQ0013594001, and odor prevention is achieved and certified in accordance with Provision No. 9.b, whichever occurs first; and
12. This CA shall in no manner preclude the enforcement of violations, whether similar to those noted in this CA or otherwise, for events which exceed levels protective of human health or the environment.

In return for the Respondent's agreement and adherence to these terms, the TCEQ will exercise its enforcement discretion related to similar violations as addressed by this CA. The TCEQ shall not be limited in any way from pursuing violations not addressed by this CA. Should unforeseen circumstances indicate a need to alter the above mentioned schedule, the Respondent must immediately notify the Commission so that an amendment to this CA can be discussed. The effective date of this CA is the signature date of the Respondent's authorized representative. Acceptance of the terms of this CA is indicated by the signatures below.

Larry Fox President 12/9/13
Authorized Representative of Title Date
West Travis County Public Utility Agency

Larry Fox
Printed Name of Authorized Representative of
West Travis County Public Utility Agency

Sandy Van Cleave 11-16-13
Sandy Van Cleave, Manager Date
Enforcement Division
Texas Commission on Environmental Quality

RECEIVED
DATE: _____
Doc # _____