

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2007-1670-MWD-E **TCEQ ID:** RN100822600 **CASE NO.:** 34803

**RESPONDENT NAME:** Brazos River Authority and Lower Colorado River Authority

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input 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	
<b>CASE TYPE:</b>		
<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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> BRA-LCRA-Brushy Creek East, 3939 Palm Valley Boulevard, adjacent to and south of State Highway 79, approximately four miles east of the intersection of State Highway 79 and Interstate Highway 35, Round Rock, Williamson County</p> <p><b>TYPE OF OPERATION:</b> Domestic wastewater treatment facility</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondents have expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on March 17, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>SEP Coordinator:</b> Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768  <b>TCEQ Enforcement Coordinator:</b> Ms. Libby Hogue, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-1165; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Phillip Ford, General Manager/CEO, Brazos River Authority, P. O. Box 7555, Waco, Texas 76714-7555  Mr. Scott B. Ahlstrom, Manager,, Water &amp; Wastewater Utility, Lower Colorado River Authority, P. O. Box 7555, Waco, Texas 76714-7555  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Record Review Relating to this Case:</b> September 14, 2007</p> <p><b>Date of NOE Relating to this Case:</b> October 8, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine record review.</p> <p><b>WATER</b></p> <p>Failure to comply with the permitted effluent limitations for total suspended solids, carbonaceous biochemical oxygen demand, total ammonia nitrogen, and flow [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010264002, Effluent Limitations and Monitoring Requirements No. 1].</p>	<p><b>Total Assessed:</b> \$13,500</p> <p><b>Total Deferred:</b> \$2,700  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$10,800</p> <p><b>Total Paid (Due) to General Revenue:</b> \$0</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>CN600253637 and CN600506794</b></p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See Attachment A).</p> <p>2) The Order will require the Respondents to submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010264001 within 60 days after the effective date of this Agreed Order. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, and be notarized by a State of Texas Notary Public.</p>

Additional ID No(s): 0

**Attachment A**

**Docket Number: 2007-1670-MWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Brazos River Authority and Lower Colorado River Authority  
**Payable Penalty Amount:** Ten Thousand Eight Hundred Dollars (\$10,800)  
**SEP Amount:** Ten Thousand Eight Hundred Dollars (\$10,800)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** Keep Texas Beautiful  
**Location of SEP:** Williamson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to coordinate with city and/or county governmental officials regarding the clean up of sites where trash has been disposed of illegally. Eligible sites will be limited to those where a responsible party can not be identified and where there is no pre-existing obligation to clean up the site by the owner or the government. Additionally, reasonable efforts must have already been taken to prevent the dumping. SEP monies will be used to pay for the direct cost of collection and disposal of debris. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by providing for the proper disposal of waste which will help prevent human health concerns associated with illegally dumped waste.



C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Katie Sternberg, Program Manager  
Keep Texas Beautiful  
P.O. Box 2251  
Austin, Texas 78768

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.



**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision September 19, 2007

<b>DATES</b>	Assigned	15-Oct-2007	Screening	17-Oct-2007	EPA Due	
	PCW	18-Oct-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Brazos River Authority and Lower Colorado River Authority
Reg. Ent. Ref. No.	RN100822600
Facility/Site Region	11-Austin
Major/Minor Source	Major

<b>CASE INFORMATION</b>				
Enf./Case ID No.	34803	No. of Violations	1	
Docket No.	2007-1670-MWD-E	Order Type	1660	
Media Program(s)	Water Quality	Enf. Coordinator	Libby Hogue	
Multi-Media		EC's Team	Enforcement Team 3	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	Subtotal 1	\$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>	80% Enhancement	Subtotals 2, 3, & 7	\$6,000
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Notes: An 80% enhancement is recommended for having 14 self-reported and two same or similar NOVs for violations in the past five years.

<b>Culpability</b>	No	0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	0% Reduction	Subtotal 5	\$0
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	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.

	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$112	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,500	

<b>SUM OF SUBTOTALS 1-7</b>	Final Subtotal	\$13,500
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$13,500
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<b>STATUTORY LIMIT ADJUSTMENT</b>	Final Assessed Penalty	\$13,500
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<b>DEFERRAL</b>	20% Reduction	Adjustment	-\$2,700
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$10,800
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**Screening Date** 17-Oct-2007      **Docket No.** 2007-1670-MWD-E  
**Respondent** Brazos River Authority and Lower Colorado River Author  
**Case ID No.** 34803  
**Reg. Ent. Reference No.** RN100822600  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Libby Hogue

**PCW**  
 Policy Revision 2 (September 2002)  
 PCW Revision September 19, 2007

**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)	16	80%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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	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%
<i>Please Enter Yes or No</i>			
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)** 80%

>> 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**

An 80% enhancement is recommended for having 14 self-reported and two same or similar NOVs for violations in the past five years.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 80%

**Screening Date** 17-Oct-2007 **Docket No.** 2007-1670-MWD-E **PCW**  
**Respondent** Brazos River Authority and Lower Colorado River Authority *Policy Revision 2 (September 2002)*  
**Case ID No.** 34803 *PCW Revision September 19, 2007*

**Reg. Ent. Reference No.** RN100822600

**Media [Statute]** Water Quality

**Enf. Coordinator** Libby Hogue

**Violation Number** 1

**Rule Cite(s)** Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010264002, Effluent Limitations and Monitoring Requirements No. 1

**Violation Description**

Failed to comply with the permitted effluent limitations.  
See Table - Attachment.

**Base Penalty** \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

A simplified model was used to evaluate Total Ammonia Nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Daily Average Flow, Carbonaceous Biochemical Oxygen Demand, and Total Suspended Solids were also considered. As a result of this violation, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.

**Adjustment** \$7,500

\$2,500

Violation Events

Number of Violation Events 3 221 Number of violation days

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

**Violation Base Penalty** \$7,500

Three quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

**Estimated EB Amount** \$112

**Violation Final Penalty Total** \$13,500

**This violation Final Assessed Penalty (adjusted for limits)** \$13,500

## Economic Benefit Worksheet

**Respondent:** Brazos River Authority and Lower Colorado River Authority  
**Case ID No.:** 34803  
**Reg. Ent. Reference No.:** RN100822600  
**Media:** Water Quality  
**Violation No.:** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,500	31-Dec-2006	30-Jun-2008	1.5	\$112	n/a	\$112

**Notes for DELAYED costs**

The estimated cost for additional oversight and sampling which could have reduced or alleviated the exceedances. Date required is the date the noncompliance started and the final date is the expected compliance date.

### Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$1,500

TOTAL

\$112

ATTACHMENT

**Effluent Violation Table**  
 Brazos River Authority and Lower Colorado River Authority  
 TPDES Permit No. WQ0010264002 (Outfall 001A)  
 Docket No. 2007-1670-MWD-E

Permitted Effluent Limits	Monitoring Period End Date						
	12/31/06	01/31/07	02/28/07	03/31/07	04/30/07	05/31/07	06/30/07
Total Suspended Solids Daily max. 1476 lbs/day	C	2016	C	C	C	C	C
Total Suspended Solids Daily avg. 15 mg/l	C	15.07	C	C	C	C	C
Total Suspended Solids Daily max. 40 mg/l	71.75	59.10	C	C	C	C	C
CBOD Daily max. 984 lbs/day	C	1270.3	C	C	C	C	C
Total Ammonia Nitrogen 295 lbs/day	C	C	C	513.78	322.00	704.44	494.34
Total Ammonia Nitrogen Daily avg. 3 mg/l	C	C	C	4.13	C	5.34	C
Total Ammonia Nitrogen Daily max. 7 mg/l	C	C	C	23.58	8.30	15.11	11.46
Flow Annual avg. 11.8 MGD	11.9390	12.2995	12.6063	12.8006	13.4200	13.6296	14.2688
Flow Annual avg. Interim Phase 11.8 MGD	C	12.4310	C	C	C	C	C
Flow 2-hour peak 23,319 GPM	C	24,575	24,217	24,683	C	24,925	43,125
Avg. = Average				Max. = Maximum			
mg/l = milligrams per liter				lbs/day = pounds per day			
GPD = gallons per day				GPM = gallons per minute			
CBOD – Carbonaceous Biochemical Oxygen Demand				C = Compliant			



# Compliance History

Customer/Respondent/Owner-Operator:	CN600253637 Lower Colorado River Authority	Classification: AVERAGE	Rating: 2.79
Regulated Entity:	RN100822600 BRA-LCRA-BRUSHY CREEK EAST	Classification: AVERAGE	Site Rating: 0.74
ID Number(s):	WASTEWATER	EPA ID	TX0010264002
	WASTEWATER	PERMIT	WQ0010264002
	WASTEWATER	PERMIT	WQ0010264002
	WASTEWATER	PERMIT	WQ0010264002
	WASTEWATER	PERMIT	TPDES0101940
	PRETREATMENT	EPA ID	TX0101940000
	PRETREATMENT	PERMIT	WQ0010264002
	PRETREATMENT	PERMIT	PRT010264002
	PRETREATMENT	EPA ID	TX0075167
	STORMWATER	PERMIT	TXR05L921
	STORMWATER	PERMIT	TXR05L921
	WASTEWATER LICENSING	LICENSE	WQ0010264002

Location: 3939 EAST PALM VALLEY BLVD, ADJACENT TO AND SOUTH OF STATE HIGHWAY 79, APPROXIMATELY 4 MILES EAST OF THE INTERSECTION OF STATE HIGHWAY 79 AND INTERSTATE HIGHWAY 35 IN WILLIAMSON COUNTY, TEXAS, 78664

Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 11 - AUSTIN

Date Compliance History Prepared: October 16, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 15, 2002 to October 15, 2007

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

Name: Libby Hogue Phone: 512-239-1165

## 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 of the site during the compliance period? Yes
3. If Yes, who is the current owner? Lower Colorado River Authority  
Brazos River Authority
4. If Yes, who was/were the prior owner(s)? Brazos River Authority
5. When did the change(s) in ownership occur?  
09/08/2006

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- 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 11/14/2002 (220954)
  - 2 12/18/2002 (220958)
  - 3 01/17/2003 (220962)
  - 4 02/13/2003 (220920)
  - 5 03/14/2003 (220923)
  - 6 03/22/2003 (321771)
  - 7 03/27/2003 (28311)
  - 8 04/21/2003 (220928)
  - 9 05/20/2003 (220932)
  - 10 06/16/2003 (220937)
  - 11 07/17/2003 (220941)

12 08/19/2003 (321784)  
 13 08/19/2003 (321787)  
 14 08/28/2003 (119991)  
 15 09/03/2003 (321780)  
 16 09/19/2003 (321782)  
 17 11/18/2003 (321785)  
 18 12/18/2003 (321786)  
 19 02/23/2004 (321769)  
 20 04/15/2004 (269199)  
 21 04/21/2004 (321772)  
 22 04/21/2004 (321778)  
 23 05/21/2004 (321774)  
 24 06/17/2004 (321776)  
 25 08/30/2004 (363658)  
 26 09/20/2004 (363659)  
 27 10/22/2004 (363660)  
 28 10/22/2004 (363662)  
 29 11/23/2004 (363661)  
 30 12/22/2004 (388399)  
 31 02/15/2005 (388397)  
 32 02/22/2005 (388395)  
 33 02/22/2005 (388398)  
 34 03/18/2005 (388396)  
 35 04/25/2005 (378616)  
 36 05/19/2005 (425934)  
 37 06/17/2005 (425935)  
 38 08/22/2005 (446409)  
 39 08/22/2005 (446410)  
 40 09/02/2005 (446407)  
 41 09/13/2005 (446406)  
 42 09/21/2005 (446408)  
 43 11/22/2005 (478964)  
 44 12/05/2005 (432628)  
 45 12/20/2005 (478965)  
 46 02/22/2006 (478959)  
 47 02/28/2006 (478961)  
 48 02/28/2006 (478962)  
 49 03/22/2006 (478960)  
 50 05/17/2006 (504911)  
 51 06/19/2006 (504912)  
 52 07/28/2006 (504913)  
 53 07/28/2006 (504914)  
 54 08/18/2006 (527214)  
 55 09/18/2006 (527215)  
 56 11/20/2006 (551030)  
 57 12/18/2006 (551031)  
 58 02/20/2007 (551029)  
 59 03/20/2007 (587566)  
 60 04/20/2007 (587567)  
 61 05/18/2007 (587568)  
 62 06/20/2007 (587569)  
 63 07/20/2007 (587570)  
 64 10/08/2007 (594566)

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

Date 02/12/2004 (255778)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.126(a)

Description: Failure to initiate engineering and financial planning for expansion and/or upgrading of the domestic wastewater treatment and/or collection facilities once the facility reaches 75 percent of the permitted daily average or annual average flow for three consecutive months.

Self Report? NO

Classification: Minor

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

Description: Failure to dechlorinate the chlorinated effluent to less than 0.1 mg/L.

Date 03/31/2004 (321772)  
 Self Report? YES Classification: Moderate  
  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter

Date 04/30/2004 (321774)  
 Self Report? YES Classification: Moderate  
  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter

Date 06/30/2004 (321778)  
 Self Report? YES Classification: Moderate  
  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter

Date 08/31/2005 (446408)  
 Self Report? YES Classification: Moderate  
  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter

Date 09/30/2005 (446409)  
 Self Report? YES Classification: Moderate  
  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter

Date 11/30/2005 (478965)  
 Self Report? YES Classification: Moderate  
  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter

Date 12/09/2005 (432628)  
 Self Report? NO Classification: Moderate  
  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)  
 30 TAC Chapter 305, SubChapter F 305.125(5)  
 TWC Chapter 26 26.121  
 TWC Chapter 26 26.121(a)(1)  
 TWC Chapter 26 26.121(a)(2)  
 TWC Chapter 26 26.121(a)(3)  
 TWC Chapter 26 26.121(a)[G]  
 TWC Chapter 26 26.121(b)  
 TWC Chapter 26 26.121(c)  
 TWC Chapter 26 26.121(d)  
 TWC Chapter 26 26.121(e)  
 TWC Chapter 26 26.121[G]  
 Description: There have been 3 unauthorized discharges from the Brushy Creek East Regional  
 WWTP since the last CCI.

Date 01/31/2006 (478959)  
 Self Report? YES Classification: Moderate  
  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter

Date	12/31/2006	(504914)	Classification:	Moderate
Self Report?	YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	01/31/2007	(551029)	Classification:	Moderate
Self Report?	YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	02/28/2007	(587566)	Classification:	Moderate
Self Report?	YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	03/31/2007	(587567)	Classification:	Moderate
Self Report?	YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	04/30/2007	(587568)	Classification:	Moderate
Self Report?	YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	05/31/2007	(587569)	Classification:	Moderate
Self Report?	YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	06/30/2007	(587570)	Classification:	Moderate
Self Report?	YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
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

# Compliance History

Customer/Respondent/Owner-Operator:	CN600506794	Brazos River Authority	Classification: AVERAGE	Rating: 2.54
Regulated Entity:	RN100822600	BRA-LCRA-BRUSHY CREEK EAST	Classification: AVERAGE	Site Rating: 0.74
ID Number(s):	WASTEWATER	EPA ID		TX0010264002
	WASTEWATER	PERMIT		WQ0010264002
	WASTEWATER	PERMIT		WQ0010264002
	WASTEWATER	PERMIT		WQ0010264002
	WASTEWATER	PERMIT		TPDES0101940
	PRETREATMENT	EPA ID		TX0101940000
	PRETREATMENT	PERMIT		WQ0010264002
	PRETREATMENT	PERMIT		PRT010264002
	PRETREATMENT	EPA ID		TX0075167
	STORMWATER	PERMIT		TXR05L921
	STORMWATER	PERMIT		TXR05L921
	WASTEWATER LICENSING	LICENSE		WQ0010264002

Location: 3939 EAST PALM VALLEY BLVD, ADJACENT TO AND SOUTH OF STATE HIGHWAY 79, APPROXIMATELY 4 MILES EAST OF THE INTERSECTION OF STATE HIGHWAY 79 AND INTERSTATE HIGHWAY 35 IN WILLIAMSON COUNTY, TEXAS, 78664

Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 11 - AUSTIN

Date Compliance History Prepared: October 16, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 15, 2002 to October 15, 2007

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

Name: Libby Hogue Phone: 512-239-1165

### 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 of the site during the compliance period? Yes
3. If Yes, who is the current owner? Lower Colorado River Authority  
Brazos River Authority
4. If Yes, who was/were the prior owner(s)? Brazos River Authority
5. When did the change(s) in ownership occur? 09/08/2006

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
  - N/A
- 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	11/14/2002	(220954)
2	12/18/2002	(220958)
3	01/17/2003	(220962)
4	02/13/2003	(220920)
5	03/14/2003	(220923)
6	03/22/2003	(321771)
7	03/27/2003	(28311)
8	04/21/2003	(220928)
9	05/20/2003	(220932)
10	06/16/2003	(220937)
11	07/17/2003	(220941)
12	08/19/2003	(321784)
13	08/19/2003	(321787)
14	08/28/2003	(119991)
15	09/03/2003	(321780)
16	09/19/2003	(321782)

17	11/18/2003	(321785)
18	12/18/2003	(321786)
19	02/23/2004	(321769)
20	04/15/2004	(269199)
21	04/21/2004	(321772)
22	04/21/2004	(321778)
23	05/21/2004	(321774)
24	06/17/2004	(321776)
25	08/30/2004	(363658)
26	09/20/2004	(363659)
27	10/22/2004	(363660)
28	10/22/2004	(363662)
29	11/23/2004	(363661)
30	12/22/2004	(388399)
31	02/15/2005	(388397)
32	02/22/2005	(388395)
33	02/22/2005	(388398)
34	03/18/2005	(388396)
35	04/25/2005	(378616)
36	05/19/2005	(425934)
37	06/17/2005	(425935)
38	08/22/2005	(446409)
39	08/22/2005	(446410)
40	09/02/2005	(446407)
41	09/13/2005	(446406)
42	09/21/2005	(446408)
43	11/22/2005	(478964)
44	12/05/2005	(432628)
45	12/20/2005	(478965)
46	02/22/2006	(478959)
47	02/28/2006	(478961)
48	02/28/2006	(478962)
49	03/22/2006	(478960)
50	05/17/2006	(504911)
51	06/19/2006	(504912)
52	07/28/2006	(504913)
53	07/28/2006	(504914)
54	08/18/2006	(527214)
55	09/18/2006	(527215)
56	11/20/2006	(551030)
57	12/18/2006	(551031)
58	02/20/2007	(551029)
59	03/20/2007	(587566)
60	04/20/2007	(587567)
61	05/18/2007	(587568)
62	06/20/2007	(587569)
63	07/20/2007	(587570)
64	10/08/2007	(594566)

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

Date 02/12/2004 (255778)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.126(a)

Description: Failure to initiate engineering and financial planning for expansion and/or upgrading of the domestic wastewater treatment and/or collection facilities once the facility reaches 75 percent of the permitted daily average or annual average flow for three consecutive months.

Self Report? NO

Classification: Minor

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

Description: Failure to dechlorinate the chlorinated effluent to less than 0.1 mg/L.

Date 03/31/2004 (321772)

Self Report? YES

Classification: Moderate

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

Description: TWC Chapter 26 26.121(a)[G]  
Failure to meet the limit for one or more permit parameter

Date 04/30/2004, (321774)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date 06/30/2004 (321778)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date 08/31/2005 (446408)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date 09/30/2005 (446409)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date 11/30/2005 (478965)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date 12/09/2005 (432628)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)  
30 TAC Chapter 305, SubChapter F 305.125(5)  
TWC Chapter 26 26.121  
TWC Chapter 26 26.121(a)(1)  
TWC Chapter 26 26.121(a)(2)  
TWC Chapter 26 26.121(a)(3)  
TWC Chapter 26 26.121(a)[G]  
TWC Chapter 26 26.121(b)  
TWC Chapter 26 26.121(c)  
TWC Chapter 26 26.121(d)  
TWC Chapter 26 26.121(e)  
TWC Chapter 26 26.121[G]

Description: There have been 3 unauthorized discharges from the Brushy Creek East Regional WWTP since the last CCI.

Date 01/31/2006 (478959)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

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

Date 12/31/2006 (504914)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

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

Date 01/31/2007 (551029)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

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

Date 02/28/2007 (587566)

Self Report? YES

Classification: Moderate

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

TWC Chapter 26 26.121(a)[G]

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

Date 03/31/2007 (587567)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

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

Date 04/30/2007 (587568)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

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

Date 05/31/2007 (587569)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

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

Date 06/30/2007 (587570)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

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  
BRAZOS RIVER AUTHORITY AND  
LOWER COLORADO RIVER  
AUTHORITY  
RN100822600

§  
§  
§  
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§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2007-1670-MWD-E

I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Brazos River Authority and Lower Colorado River Authority ("the Respondents") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondents appear before the Commission and together stipulate that:

1. The Respondents own and operate a domestic wastewater treatment facility at 3939 East Palm Valley Boulevard, adjacent to and south of State Highway 79, approximately four miles east of the intersection of State Highway 79 and Interstate Highway 35, Round Rock, Williamson County, Texas (the "Facility").
2. The Respondents have discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondents agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondents are subject to the Commission's jurisdiction.
4. The Respondents received notice of the violations alleged in Section II ("Allegations") on or about October 13, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondents of any violation alleged in Section II ("Allegations"), nor of any statute or rule.



6. An administrative penalty in the amount of Thirteen Thousand Five Hundred Dollars (\$13,500) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Two Thousand Seven Hundred Dollars (\$2,700) is deferred contingent upon the Respondents' timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondents fail to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondents to pay all or part of the deferred penalty. Ten Thousand Eight Hundred Dollars (\$10,800) shall be conditionally offset by the Respondents' completion of a Supplemental Environmental Project.
7. 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.
8. The Executive Director of the TCEQ and the Respondents have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. 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 Respondents have not complied with one or more of the terms or conditions in this Agreed Order.
10. 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.
11. 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.

## II. ALLEGATIONS

As owners and operators of the Facility, the Respondents are alleged to have failed to comply with the permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010264002, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on September 14, 2007, as indicated in the table below.



Permitted Effluent Limits	Monitoring Period End Date						
	12/31/06	01/31/07	02/28/07	03/31/07	04/30/07	05/31/07	06/30/07
Total Suspended Solids Daily max. 1476 lbs/day	C	2016	C	C	C	C	C
Total Suspended Solids Daily avg. 15 mg/l	C	15.07	C	C	C	C	C
Total Suspended Solids Daily max. 40 mg/l	71.75	59.10	C	C	C	C	C
CBOD Daily max. 984 lbs/day	C	1270.3	C	C	C	C	C
Total Ammonia Nitrogen 295 lbs/day	C	C	C	513.78	322.00	704.44	494.34
Total Ammonia Nitrogen Daily avg. 3 mg/l	C	C	C	4.13	C	5.34	C
Total Ammonia Nitrogen Daily max. 7 mg/l	C	C	C	23.58	8.30	15.11	11.46
Flow Annual avg. 11.8 MGD	11.9390	12.2995	12.6063	12.8006	13.4200	13.6296	14.2688
Flow Annual avg. Interim Phase 11.8 MGD	C	12.4310	C	C	C	C	C
Flow 2-hour peak 23,319 GPM	C	24,575	24,217	24,683	C	24,925	43,125
Avg. = Average			Max. = Maximum				
mg/l = milligrams per liter			lbs/day = pounds per day				
GPD = gallons per day			GPM = gallons per minute				
CBOD – Carbonaceous Biochemical Oxygen Demand			C = Compliant				



### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondents pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondents' compliance with all the terms and conditions set forth in this Agreed 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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Brazos River Authority and Lower Colorado River Authority, Docket No. 2007-1670-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 Respondents shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. ADMIN. CODE § 7.067. As set forth in Section II, Paragraph 6, Ten Thousand Eight Hundred Dollars (\$10,800) of the assessed administrative penalty shall be offset with the condition that the Respondents implement the SEP defined in Attachment A, incorporated herein by reference. The Respondents' obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The Respondents are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.
4. It is further ordered that the Respondents shall within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010264002. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, 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 fine 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  
2800 South Interstate 35, Suite 100  
Austin, Texas 78704-5712

5. The provisions of this Agreed Order shall apply to and be binding upon the Respondents. The Respondents are 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.
6. If the Respondents fail 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 Respondents' failure to comply is not a violation of this Agreed Order. The Respondents shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondents shall notify the Executive Director within seven days after the Respondents become aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. 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 Respondents shall be made in writing to the Executive Director. Extensions are not effective until the Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondents 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 agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
10. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondents, or three days after the date on which the Commission mails notice of the Order to the Respondents, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

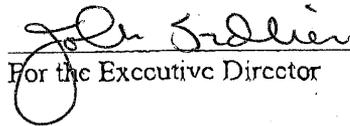


Brazos River Authority and Lower Colorado River Authority  
DOCKET NO. 2007-1670-MWD-E  
Page 6

### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

3/5/2008  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, 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 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.

  
\_\_\_\_\_  
Signature

7 JAN 08  
Date

**Phillip J. Ford**  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Brazos River Authority

**General Manager/CEO**  
\_\_\_\_\_  
Title

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



Brazos River Authority and Lower Colorado River Authority  
DOCKET NO. 2007-1670-MWD-E  
Page 7

### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

*Johanna Szalai*  
For the Executive Director

3/5/2008  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, 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 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.

*Scott B. Ahlstrom*  
Signature

January 4, 2008  
Date

Scott B. Ahlstrom  
Name (Printed or typed)  
Authorized Representative of  
Lower Colorado River Authority



Manager, Water & Wastewater Utility  
Title

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



**Attachment A**

**Docket Number: 2007-1670-MWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Brazos River Authority and Lower Colorado River Authority  
**Payable Penalty Amount:** Ten Thousand Eight Hundred Dollars (\$10,800)  
**SEP Amount:** Ten Thousand Eight Hundred Dollars (\$10,800)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** Keep Texas Beautiful  
**Location of SEP:** Williamson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to coordinate with city and/or county governmental officials regarding the clean up of sites where trash has been disposed of illegally. Eligible sites will be limited to those where a responsible party can not be identified and where there is no pre-existing obligation to clean up the site by the owner or the government. Additionally, reasonable efforts must have already been taken to prevent the dumping. SEP monies will be used to pay for the direct cost of collection and disposal of debris. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by providing for the proper disposal of waste which will help prevent human health concerns associated with illegally dumped waste.



C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Katie Sternberg, Program Manager  
Keep Texas Beautiful  
P.O. Box 2251  
Austin, Texas 78768

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to “Texas Commission on Environmental Quality” and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.



**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

