

Executive Summary – Enforcement Matter – Case No. 49272

City of Pflugerville

RN101611440

Docket No. 2014-1300-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

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

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Pflugerville Upper Gilleland, located at 2609 East Pecan Street, approximately 1.7 miles southeast of the City of Pflugerville and approximately one mile southeast of the intersection of Dessau Road and Farm-to-Market Road 1825 on the east bank of Gilleland Creek, Travis 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: December 26, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$21,000

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$21,000

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Executive Summary – Enforcement Matter – Case No. 49272
City of Pflugerville
RN101611440
Docket No. 2014-1300-MWD-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: July 7, 2014
Date(s) of NOE(s): August 25, 2014

Violation Information

Failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0011845002, Permit Conditions No. 2.g.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented these corrective measures:

- a. By July 6, 2014, restored power to the Facility; and ceased and contained the discharge of untreated sewage;
- b. By July 7, 2014, cleaned, dewatered, and disinfected the low-lying area between the manhole and creek; and
- c. By July 9, 2014, completed cleanup of affected areas, removed debris from Gilleland Creek, and properly disposed of all dead fish.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Executive Summary – Enforcement Matter – Case No. 49272
City of Pflugerville
RN101611440
Docket No. 2014-1300-MWD-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Greg Zychowski, Enforcement Division,
Enforcement Team 3, MC 169, (512) 239-3158; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Brandon Wade, City Manager, City of Pflugerville, P.O. Box 589,
Pflugerville, Texas 78691-0589

James Wills, Wastewater Superintendent, City of Pflugerville, P.O. Box 589, Pflugerville,
Texas 78691-0589

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	2-Sep-2014	Screening	3-Sep-2014	EPA Due	
	PCW	12-Sep-2014				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Pflugerville				
Reg. Ent. Ref. No.	RN101611440				
Facility/Site Region	11-Austin	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	49272	No. of Violations	1
Docket No.	2014-1300-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Alan Barraza
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$25,000
---	-------------------	----------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	9.0% Enhancement	Subtotals 2, 3, & 7	\$2,250
---------------------------	------------------	--------------------------------	---------

Notes: Enhancement for one month of self-reported effluent violations and two NOV's with dissimilar violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
--------------------	----	------------------	-------------------	-----

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$6,250
--	-------------------	----------

Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
-------------------------	-------------------	-------------------	-----

Total EB Amounts	\$2
Estimated Cost of Compliance	\$4,200

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$21,000
-----------------------------	-----------------------	----------

OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
---	------	-------------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$21,000

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$21,000
-----------------------------------	-------------------------------	----------

DEFERRAL	0.0% Reduction	Adjustment	\$0
-----------------	----------------	-------------------	-----

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$21,000
------------------------	----------

Screening Date 3-Sep-2014

Docket No. 2014-1300-MWD-E

PCW

Respondent City of Pflugerville

Policy Revision 4 (April 2014)

Case ID No. 49272

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101611440

Media [Statute] Water Quality

Enf. Coordinator Alan Barraza

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	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>)	1	5%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 9%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for one month of self-reported effluent violations and two NOV's with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 9%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 9%

Screening Date 3-Sep-2014
Respondent City of Pflugerville
Case ID No. 49272
Reg. Ent. Reference No. RN101611440
Media [Statute] Water Quality
Enf. Coordinator Alan Barraza

Docket No. 2014-1300-MWD-E

PCW

Policy Revision 4 (April 2014)
 PCW Revision March 26, 2014

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0011845002, Permit Conditions No. 2.g.

Violation Description Failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state, as documented during an investigation conducted on July 7, 2014. Specifically, on July 6, 2014, approximately one million gallons of untreated wastewater was discharged from a manhole located on the southeast corner of the Facility through extensive amounts of vegetation into a low lying area, thence to Gilleland Creek resulting in 516 dead fish. The discharge was due to a power outage/surge and failure of the backup power and alarm system.

Base Penalty \$25,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	x			100.0%
Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment has been exposed to significant amounts of pollutants which exceed levels that are protective of human health or environmental receptors

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 1 Number of violation days 1

mark only one with an x

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$25,000

One daily event is recommended from the date of discharge, July 6, 2014 to July 7, 2014, by which the discharge had ceased and initial cleanup had been done.

Good Faith Efforts to Comply

25.0%

Reduction

\$6,250

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes The Respondent achieved compliance by July 9, 2014.

Violation Subtotal \$18,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$21,000

This violation Final Assessed Penalty (adjusted for limits) \$21,000

Economic Benefit Worksheet

Respondent City of Pflugerville
Case ID No. 49272
Reg. Ent. Reference No. RN101611440
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$4,200	6-Jul-2014	9-Jul-2014	0.01	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to restore power to the Facility; cease and contain the discharge; clean, dewater and disinfect the affected areas; and dispose of the dead fish. Date required is the date of the discharge and the final date is the compliance date.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$4,200

TOTAL

\$2

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PENDING Compliance History Report for CN600412985, RN101611440, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN600412985, City of Pflugerville **Classification:** SATISFACTORY **Rating:** 1.47

Regulated Entity: RN101611440, CITY OF PFLUGERVILLE **Classification:** SATISFACTORY **Rating:** 1.20
UPPER GILLELAND

Complexity Points: 9 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: 2609 East Pecan Street, approximately 1.7 miles southeast of the City of Pflugerville and approximately 1.0 mile southeast of the intersection of Dessau Road and Farm-to-Market Road 1825 on the east bank of Gilleland Creek in Travis County, Texas

TCEQ Region: REGION 11 - AUSTIN

ID Number(s):

WASTEWATER PERMIT WQ0011845002

WASTEWATER EPA ID TX0094927

WASTEWATER AUTHORIZATION R11845002

WASTEWATER LICENSING LICENSE WQ0011845002

STORMWATER PERMIT TXR05BN19

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: September 12, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 12, 2009 to September 12, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Alan Barraza

Phone: (512) 239-4642

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
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	September 29, 2009	(815921)	Item 3	November 24, 2009	(815922)
Item 2	September 30, 2009	(815920)	Item 4	December 31, 2009	(834787)

Item 5	March 04, 2010	(815916)	Item 31	June 12, 2012	(1017782)
Item 6	March 18, 2010	(834784)	Item 32	June 26, 2012	(1025567)
Item 7	May 12, 2010	(834785)	Item 33	September 04, 2012	(1048314)
Item 8	May 26, 2010	(834786)	Item 34	September 20, 2012	(1048315)
Item 9	June 02, 2010	(800754)	Item 35	November 19, 2012	(1067820)
Item 10	June 10, 2010	(861878)	Item 36	November 30, 2012	(1067819)
Item 11	June 17, 2010	(847457)	Item 37	December 17, 2012	(1067821)
Item 12	August 26, 2010	(868378)	Item 38	January 25, 2013	(1081905)
Item 13	October 13, 2010	(875251)	Item 39	February 19, 2013	(1081904)
Item 14	December 15, 2010	(889259)	Item 40	March 20, 2013	(1090738)
Item 15	January 04, 2011	(903531)	Item 41	April 19, 2013	(1097089)
Item 16	January 13, 2011	(897648)	Item 42	May 22, 2013	(1108063)
Item 17	February 24, 2011	(910430)	Item 43	June 17, 2013	(1111692)
Item 18	March 15, 2011	(917668)	Item 44	July 25, 2013	(1118588)
Item 19	April 18, 2011	(928973)	Item 45	August 22, 2013	(1126380)
Item 20	May 23, 2011	(939370)	Item 46	September 23, 2013	(1130929)
Item 21	June 21, 2011	(946780)	Item 47	October 30, 2013	(1136685)
Item 22	July 20, 2011	(954042)	Item 48	December 16, 2013	(1148540)
Item 23	August 15, 2011	(960629)	Item 49	December 23, 2013	(1148541)
Item 24	September 13, 2011	(972698)	Item 50	January 30, 2014	(1154611)
Item 25	September 28, 2011	(966699)	Item 51	March 31, 2014	(1168553)
Item 26	November 21, 2011	(978840)	Item 52	April 15, 2014	(1194419)
Item 27	December 19, 2011	(985676)	Item 53	April 25, 2014	(1175720)
Item 28	January 23, 2012	(992007)	Item 54	May 28, 2014	(1181929)
Item 29	March 08, 2012	(1011427)	Item 55	June 25, 2014	(1188823)
Item 30	March 29, 2012	(1004857)			

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: 11/12/2013 (1116870) CN600412985
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Monitoring and Reporting Requirements PERMIT
Description: Failed to notify TCEQ of effluent exceedances of greater than 40% above limit for Total Phosphorus

- 2 Date: 11/26/2013 (1121550) CN600412985
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)
TXR050000, Part V, Section T.5. PERMIT
Description: Failure to conduct benchmark analysis for the monitoring period of January 1, 2013 through June 30, 2013.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)
MSGP Part V, SecT.4.(a)&Part III, SecA.f. PERMIT
Description: Failure to demonstrate that training and education meets the minimum requirements of the MSGP.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)
MSGP TXR05000, Part III, Section B.3. PERMIT
Description: Failure to demonstrate that quarterly visual monitoring of all outfalls with a discharge is being conducted.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)
TXR050000, Part V, Section T.4.(d) PERMIT
Description: Failure to either retain a copy, or reference the location where a copy is located, of all current TPDES permits issued for wastewater and industrial, vehicle and equipment wash water discharges for the facility in the SWP3.

- 3 Date: 01/31/2014 (1161932) CN600412985
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
CITY OF PFLUGERVILLE
RN101611440**

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

**AGREED ORDER
DOCKET NO. 2014-1300-MWD-E**

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Pflugerville ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located at 2609 East Pecan Street, approximately 1.7 miles southeast of the City of Pflugerville and approximately 1.0 mile southeast of the intersection of Dessau Road and Farm-to-

Market Road 1825 on the east bank of Gilleland Creek in Travis County, Texas (the "Facility").

2. The Respondent has discharged municipal wastewater into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During an investigation conducted on July 7, 2014, TCEQ staff documented an unauthorized discharge of wastewater into or adjacent to any water in the state, as documented during an investigation conducted on July 7, 2014. Specifically, on July 6, 2014, approximately one million gallons of untreated wastewater was discharged from a manhole located on the southeast corner of the Facility through extensive amounts of vegetation then into a low lying area, thence to Gilleland Creek resulting in 516 dead fish. The discharge was due to a power outage/surge and failure of the backup power and alarm system.
4. The Respondent received notice of the violations on August 29, 2014.
5. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By July 6, 2014, restored power to the Facility; and ceased and contained the discharge of untreated sewage;
 - b. By July 7, 2014, cleaned, dewatered, and disinfected the low-lying area between the manhole and creek;
 - c. By July 9, 2014, completed cleanup of affected areas, removed debris from Gilleland Creek, and properly disposed of all dead fish.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011845002, Permit Conditions No. 2.g.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

4. An administrative penalty in the amount of Twenty-One Thousand Dollars (\$21,000) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Twenty-One Thousand Dollar (\$21,000) administrative penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Twenty-One Thousand Dollars (\$21,000) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Pflugerville, Docket No. 2014-1300-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 provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
4. 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.
5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

6. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed 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 Agreed 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.
7. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Mauer
For the Executive Director

2/18/15
Date

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

I understand that by entering into this Agreed Order, the City of Pflugerville waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

[Signature]
Signature

December 1, 2014
Date

Brandon Wade
Name (Printed or typed)
Authorized Representative of
City of Pflugerville

City Manager
Title

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