

Executive Summary – Enforcement Matter – Case No. 56418
City of Liberty Hill
RN104102132
Docket No. 2018-1024-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM - WQ

Small Business:

No

Location(s) Where Violation(s) Occurred:

Liberty Hill Regional WWTP, located approximately 5,000 feet north of the South Fork San Gabriel River and 2,000 feet east of U.S. Highway 183, Liberty Hill, Williamson 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: The complainant(s) have expressed an interest in this matter but do not wish to speak at Agenda.

Texas Register Publication Date: January 3, 2020

Comments Received: No

Penalty Information

Total Penalty Assessed: \$114,563

Amount Deferred for Expedited Settlement: \$22,912

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$91,651

Name of SEP: Access Platform and Secondary Screen (Compliance)

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. 56418
City of Liberty Hill
RN104102132
Docket No. 2018-1024-MLM-E

Investigation Information

Complaint Date(s): April 10, 2018, April 19, 2018, April 22, 2018, May 8, 2018, May 25, 2018, March 18, 2019, and March 21, 2019

Complaint Information: Alleged the facility was causing excessive algae growth; construction activities at a nearby development had left silt in the South Fork of the San Gabriel River; dead fish, foaming, and biosolid accumulation were at the outfall and downstream.

Date(s) of Investigation: May 8, 2018 through May 31, 2018 and March 18, 2019 through April 2, 2019

Date(s) of NOE(s): July 2, 2018 and May 7, 2019

Violation Information

1. Failed to ensure the safety of all individuals authorized to access a wastewater treatment facility, treatment unit, collection system, or collection unit. Specifically, a permanent stairway was not provided to provide access to the top of the headworks for the membrane batch reactor ("MBR") treatment train which is approximately 11 feet from ground level. A mobile step ladder was being used to reach the top of the unit. Additionally, permanent walkways were not provided on top of the unit to allow the operators safe access to conduct inspections and maintenance. The operators were using wood planks to walk along the top of the headworks to access the maintenance panels [30 TEX. ADMIN. CODE §§ 217.3(b)(2) and 217.325(c) and (k)].
2. Failed to properly collect effluent samples. Specifically, the chains of custody and effluent lab results for the monthly monitoring periods of April 2018 and May 2018 show that the Respondent collected grab samples instead of composite samples for 5-day carbonaceous biochemical oxygen demand, total suspended solids, ammonia nitrogen, nitrate-nitrogen, total nitrogen, and total phosphorus [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.9(a), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014477001, Interim II Effluent Limitations and Monitoring Requirements No. 1 and Definitions and Standard Permit Conditions No. 3.a].
3. Failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment. Specifically, the Facility discharged wastewater sludge which accumulated and facilitated an algal bloom, covering approximately 95% of the river's bottom and surface, and sludge pockets existed from approximately 50 feet upstream to approximately 1,000 feet downstream of the Facility's outfall [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (4), and TPDES Permit No. WQ0014477001, Permit Conditions No. 2.d and Operational Requirements No. 1].

Executive Summary – Enforcement Matter – Case No. 56418
City of Liberty Hill
RN104102132
Docket No. 2018-1024-MLM-E

4. Failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment. Specifically, according to the effluent data from November 2016 to May 2018, 28 ammonia nitrogen exceedances, 11 total phosphorus exceedances, 8 total suspended solids exceedances, and 3 flow exceedances contributed to and facilitated an algal bloom and algae and algae mats continued from approximately 60 feet upstream to approximately 3.6 miles downstream of the outfall. Total phosphorus is a nutrient parameter. As part of the ammonia cycle in water, ammonia nitrogen is broken down into nitrates and nitrites which are nutrients. Furthermore, surface waters were not maintained in an aesthetically attractive condition [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE §§ 305.125(1) and (4) and 307.4(b)(4), and TPDES Permit No. WQ0014477001, Permit Conditions No. 2.d and Operational Requirements No. 1].

5. Failed to prevent an unauthorized discharge by failing to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, on May 10, 2018, approximately 750 gallons of wastewater mixture was discharged on the east end of the automatic rotary bar screen unit for the MBR treatment train as a result of the unit being overloaded with hydromulch [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0014477001, Permit Conditions No. 2.g and Operational Requirements No. 1].

6. Failed to notify the TCEQ Austin Regional Office and the TCEQ Applications Review and Processing Team in writing at least 45 days prior to the completion of the new Interim II facilities. Specifically, the Respondent began using their new MBR treatment train to treat incoming wastewater by April 1, 2018 and a Notification of Completion Form was not submitted to the TCEQ Austin Regional Office and the TCEQ Applications Review and Processing Team until June 11, 2018 [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014477001, Other Requirements No. 9].

7. Failed to obtain authorization to discharge stormwater. Specifically, wastewater treatment facilities with design flows of 1.0 million gallons per day or more are required to obtain authorization to discharge stormwater under TPDES General Permit No. TXR050000 [30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 122.26(b)(14)(ix) and (c)].

8. Failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment. Specifically, from March 16, 2019 through March 17, 2019, approximately 3,000 gallons of partially treated wastewater containing solids was discharged from the Facility's outfall into the receiving stream, resulting in

Executive Summary – Enforcement Matter – Case No. 56418
City of Liberty Hill
RN104102132
Docket No. 2018-1024-MLM-E

the accumulation of wastewater sludge at the outfall with a depth of approximately 18 inches [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (4), and TPDES Permit No. WQ0014477001, Permit Conditions No. 2.d].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By May 18, 2018, removed and properly disposed of approximately 750 gallons of wastewater mixture from the east end of the automatic rotary bar screen unit for the MBR treatment train;
- b. By June 11, 2018, prepared and submitted a Notification of Completion Form for the Interim II Phase to the TCEQ Austin Regional Office and the TCEQ Applications Review and Processing Team; and
- c. By July 24, 2018, obtained authorization to discharge stormwater under TPDES General Permit No. TXR05EB91.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
 - a. Within seven days and on a weekly basis thereafter until g. is completed:
 - i. Assess the receiving stream at the outfall to determine if wastewater sludge is present and remove all wastewater sludge accordingly or verify that wastewater sludge is not present in the receiving stream at the outfall; and
 - ii. Assess the receiving stream at the outfall to determine if algal mats are present and remove all algal mats accordingly to ensure that the receiving stream at the outfall is maintained in an aesthetically attractive condition or verify that algal mats are not present in the receiving stream at the outfall.
 - b. Within 30 days:
 - i. Submit written certification demonstrating compliance with a. The certification shall be submitted on a monthly basis thereafter until g. is completed; and

Executive Summary – Enforcement Matter – Case No. 56418
City of Liberty Hill
RN104102132
Docket No. 2018-1024-MLM-E

ii. Update the Facility's operational guidance and conduct employee training to ensure that all sampling is conducted.

c. Within 45 days, submit written certification of compliance with b.ii.

d. Within 60 days, conduct an engineering evaluation of the Facility to determine the cause of and necessary corrective actions designed to prevent the discharge of wastewater sludge and nutrient-rich wastewater into the receiving stream and include an evaluation of the receiving stream nutrient load. The Facility evaluation shall be prepared by a Texas registered professional engineer and shall include a plan and schedule for the completion of necessary corrective actions within 270 days.

e. Within 75 days:

i. Construct a permanent stairway to the top of the headworks for the MBR treatment train and install walkways on top of the headworks for the MBR treatment train to allow operators safe access to conduct inspections and maintenance; and

ii. Install a secondary headworks screen with the associated piping and electrical work.

f. Within 90 days, submit written certification of compliance with e.

g. Within 285 days, submit written certification demonstrating the completion of the corrective actions designed to prevent the discharge of wastewater sludge and nutrient-rich wastewater into the receiving stream, as prescribed by the engineering evaluation required by d.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Caleb Olson, Enforcement Division, Enforcement Team 1, MC R-04, (817) 588-5856; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: Ryan Rutledge, SEP Coordinator, Litigation Division, MC 175, (512) 239-0205

Respondent: The Honorable Rick Hall, Mayor, City of Liberty Hill, P.O. Box 1920, Liberty Hill, Texas 78642

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	9-Jul-2018	Screening	18-Jul-2018	EPA Due	
	PCW	30-Jul-2019				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Liberty Hill (PCW No. 1)		
Reg. Ent. Ref. No.	RN104102132		
Facility/Site Region	11-Austin	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	56418	No. of Violations	5
Docket No.	2018-1024-MLM-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media	Water Quality	Enf. Coordinator	Caleb Olson
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Adjustment **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts	\$138,410
Estimated Cost of Compliance	\$992,450

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

PAYABLE PENALTY

Screening Date 18-Jul-2018

Docket No. 2018-1024-MLM-E

PCW

Respondent City of Liberty Hill (PCW No. 1)

Policy Revision 4 (April 2014)

Case ID No. 56418

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN104102132

Media [Statute] Water Quality

Enf. Coordinator Caleb Olson

Compliance History Worksheet

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

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	8	40%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2)

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

Adjustment Percentage (Subtotal 3)

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

Adjustment Percentage (Subtotal 7)

>> **Compliance History Summary**

Compliance History Notes

Enhancement for eight months of self-reported effluent violations and one order containing a denial of liability.

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

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100%

Screening Date 18-Jul-2018
Respondent City of Liberty Hill (PCW No. 1)
Case ID No. 56418
Reg. Ent. Reference No. RN104102132
Media [Statute] Water Quality
Enf. Coordinator Caleb Olson

Docket No. 2018-1024-MLM-E

PCW

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

Violation Number

Rule Cite(s)

Violation Description

Failed to ensure the safety of all individuals authorized to access a wastewater treatment facility, treatment unit, collection system, or collection unit. Specifically, a permanent stairway was not provided to provide access to the top of the headworks for the membrane batch reactor ("MBR") treatment train which is approximately 11 feet from ground level. A mobile step ladder was being used to reach the top of the unit. Additionally, permanent walkways were not provided on top of the unit to allow the operators safe access to conduct inspections and maintenance. The operators were using wood planks to walk along the top of the headworks to access the maintenance panels.

Base Penalty

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="30.0%"/>
	Potential	<input type="text" value="X"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text" value="X"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="X"/>	<input type="text"/>

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Liberty Hill (PCW No. 1)
Case ID No. 56418
Reg. Ent. Reference No. RN104102132
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings	\$35,000	10-May-2018	7-Jun-2020	2.08	\$243	\$4,852	\$5,095
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 Buildings cost is the estimated amount to construct a permanent stairway to the top of the headworks for the MBR treatment train and install walkways on top of the headworks for the MBR treatment train to allow operators safe access to conduct inspections and maintenance. Date required is the date the violation was documented. Final date is the anticipated compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$35,000	TOTAL	\$5,095
----------------------------	----------	--------------	---------

Screening Date 18-Jul-2018
Respondent City of Liberty Hill (PCW No. 1)
Case ID No. 56418
Reg. Ent. Reference No. RN104102132
Media [Statute] Water Quality
Enf. Coordinator Caleb Olson

Docket No. 2018-1024-MLM-E

PCW

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

Violation Number
Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.9(a), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014477001, Interim II Effluent Limitations and Monitoring Requirements No. 1 and Definitions and Standard Permit Conditions No. 3.a
Violation Description Failed to properly collect effluent samples. Specifically, the chains of custody and effluent lab results for the monthly monitoring periods of April 2018 and May 2018 show that the Respondent collected grab samples instead of composite samples for Carbonaceous Biochemical Oxygen Demand (five-day), Total Suspended Solids, Ammonia Nitrogen, Nitrate-Nitrogen, Total Nitrogen, and Total Phosphorus.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="X"/>	<input type="text"/>	

>> Programmatic Matrix

	Major	Moderate	Minor	Percent
Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="X"/>

Violation Base Penalty

Two single events are recommended for the months of April 2018 and May 2018.

Good Faith Efforts to Comply

Reduction

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="X"/>	<input type="text"/>

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Liberty Hill (PCW No. 1)
Case ID No. 56418
Reg. Ent. Reference No. RN104102132
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

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	\$250	8-May-2018	23-Apr-2020	1.96	\$25	n/a	\$25
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Training/Sampling cost is the estimated cost to update the Facility's operational guidance and conduct employee training to ensure that all sampling is conducted in accordance with TPDES Permit No. WQ0014477001. Date required is the investigation start date. Final date is the anticipated compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$25

Screening Date 18-Jul-2018
Respondent City of Liberty Hill (PCW No. 1)
Case ID No. 56418

Docket No. 2018-1024-MLM-E

PCW

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

Reg. Ent. Reference No. RN104102132
Media [Statute] Water Quality
Enf. Coordinator Caleb Olson

Violation Number 3

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code §§ 305.125(1) and (4) and 307.4(b)(4), and TPDES Permit No. WQ0014477001, Permit Conditions No. 2.d and Operational Requirements No. 1

Violation Description

Failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment. Specifically, the Facility discharged wastewater sludge which accumulated and facilitated an algal bloom, covering approximately 95% of the river's bottom and surface, and sludge pockets existed from approximately 50 feet upstream to approximately 1,000 feet downstream of the Facility's outfall. Additionally, according to the effluent data from November 2016 to May 2018, 28 Ammonia Nitrogen exceedances, 11 Total Phosphorus exceedances, 8 Total Suspended Solids exceedances, and 3 flow exceedances contributed to and facilitated an algal bloom and algae and algae mats continued from approximately 60 feet upstream to approximately 3.6 miles downstream of the outfall. Total Phosphorus is a nutrient parameter. As part of the ammonia cycle in water, Ammonia Nitrogen is broken down into nitrates and nitrites which are nutrients. Furthermore, surface waters were not maintained in an aesthetically attractive condition.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events: 3 71 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$22,500

Three monthly events are recommended from the May 8, 2018 investigation start date to the July 18, 2018 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Extraordinary		
Ordinary		
N/A	X	

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

Violation Subtotal \$22,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$133,286

Violation Final Penalty Total \$36,000

This violation Final Assessed Penalty (adjusted for limits) \$36,000

Economic Benefit Worksheet

Respondent City of Liberty Hill (PCW No. 1)
Case ID No. 56418
Reg. Ent. Reference No. RN104102132
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$600,000	8-May-2018	7-Jun-2020	2.08	\$4,170	\$83,397	\$87,567
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 (1)	\$15,000	8-May-2018	19-Dec-2020	2.62	\$1,964	n/a	\$1,964
Other (2)	\$15,000	8-May-2018	19-Dec-2020	2.62	\$1,964	n/a	\$1,964
Other (3)	\$25,000	8-May-2018	8-May-2020	2.00	\$2,503	n/a	\$2,503
Other (4)	\$300,000	8-May-2018	19-Dec-2020	2.62	\$39,288	n/a	\$39,288

Notes for DELAYED costs

Engineering/Construction cost is the estimated cost to install a secondary headworks screen with the associated piping and electrical work at the Facility. Date required is the investigation start date. Final date is the anticipated compliance date.

Other cost (1) is the estimated cost to assess the receiving stream at the outfall on a weekly basis to determine if wastewater sludge is present and to remove all wastewater sludge accordingly or verify that wastewater sludge is not present in the receiving stream at the outfall. Date required is the investigation start date. Final date is the anticipated compliance date.

Other cost (2) is the estimated cost to assess the receiving stream at the outfall on a weekly basis to determine if algal mats are present and to remove all algal mats accordingly to ensure that the receiving stream at the outfall is maintained in an aesthetically pleasing condition or to verify that algal mats are not present in the receiving stream at the outfall. Date required is the investigation start date. Final date is the anticipated compliance date.

Other cost (3) is the estimated cost to conduct an engineering evaluation of the Facility to determine the cause of and necessary corrective actions designed to prevent the discharge of wastewater sludge and nutrient-rich wastewater into the receiving stream and include an evaluation of the receiving stream nutrient load. The Facility evaluation shall be prepared by a Texas registered professional engineer and shall include a plan and schedule for the completion of necessary corrective actions. Date required is the investigation start date. Final date is the anticipated compliance date.

Other cost (4) is the estimated cost to complete the corrective actions designed to prevent the discharge of wastewater sludge and nutrient-rich wastewater into the receiving stream, as prescribed by the engineering evaluation. Date required is the investigation start date. Final date is the anticipated compliance date.

Avoided Costs **ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$955,000 **TOTAL** \$133,286

Screening Date 18-Jul-2018
Respondent City of Liberty Hill (PCW No. 1)
Case ID No. 56418
Reg. Ent. Reference No. RN104102132
Media [Statute] Water Quality
Enf. Coordinator Caleb Olson

Docket No. 2018-1024-MLM-E

PCW

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

Violation Number
Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0014477001, Permit Conditions No. 2.g and Operational Requirements No. 1
Violation Description Failed to prevent an unauthorized discharge by failing to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, on May 10, 2018, approximately 750 gallons of wastewater mixture was discharged on the east end of the automatic rotary bar screen unit for the MBR treatment train as a result of the unit being overloaded with hydromulch.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="15.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="checkbox"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

One quarterly event is recommended from the May 10, 2018 discharge date to the May 18, 2018 compliance date.

Good Faith Efforts to Comply

Reduction

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>
Ordinary	<input checked="" type="checkbox"/>
N/A	<input type="text"/>

Notes The Respondent returned to compliance on May 18, 2018.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Liberty Hill (PCW No. 1)
Case ID No. 56418
Reg. Ent. Reference No. RN104102132
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	10-May-2018	18-May-2018	0.02	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to remove and properly dispose of approximately 750 gallons of wastewater mixture from the east end of the automatic rotary bar screen unit for the MBR treatment train. Date required is the date the discharge occurred. Final date is the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$2

Screening Date 18-Jul-2018
Respondent City of Liberty Hill (PCW No. 1)
Case ID No. 56418
Reg. Ent. Reference No. RN104102132
Media [Statute] Water Quality
Enf. Coordinator Caleb Olson

Docket No. 2018-1024-MLM-E

PCW

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

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0014477001, Other Requirements No. 9

Violation Description

Failed to notify the Texas Commission on Environmental Quality ("TCEQ") Austin Regional Office and the TCEQ Applications Review and Processing Team in writing at least 45 days prior to the completion of the new Interim II facilities. Specifically, the Respondent began using their new MBR treatment train to treat incoming wastewater by April 1, 2018 and a Notification of Completion Form was not submitted to the TCEQ Austin Regional Office and the TCEQ Applications Review and Processing Team until June 11, 2018.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
<input type="text"/>	<input checked="" type="text" value="X"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>

Matrix Notes

100% of the rule requirements were not met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="X"/>

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

Reduction

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="X"/>	<input type="text"/>

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Liberty Hill (PCW No. 1)
Case ID No. 56418
Reg. Ent. Reference No. RN104102132
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$200	1-Apr-2018	11-Jun-2018	0.19	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to prepare and submit a Notification of Completion Form for the Interim II Phase to the TCEQ Austin Regional Office and the TCEQ Applications Review and Processing Team. Date required is the TPDES Interim II phase effective date. Final date is the date the Notification of Completion Form was submitted to the TCEQ.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$200

TOTAL \$2



Penalty Calculation Worksheet (PCW)

DATES	Assigned	9-Jul-2018	Screening	18-Jul-2018	EPA Due	
	PCW	25-Jul-2018				

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Liberty Hill (PCW No. 2)		
Reg. Ent. Ref. No.	RN104102132		
Facility/Site Region	11-Austin	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	56418	No. of Violations	1
Docket No.	2018-1024-MLM-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media	Water Quality	Enf. Coordinator	Caleb Olson
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **Adjustment** **Subtotals 2, 3, & 7**

Notes

Culpability **Enhancement** **Subtotal 4**

Notes

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit **Enhancement*** **Subtotal 6**

Total EB Amounts
 Estimated Cost of Compliance
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL **Reduction** **Adjustment**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

PAYABLE PENALTY

Screening Date 18-Jul-2018

Docket No. 2018-1024-MLM-E

PCW

Respondent City of Liberty Hill (PCW No. 2)

Policy Revision 4 (April 2014)

Case ID No. 56418

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN104102132

Media [Statute] Water Quality

Enf. Coordinator Caleb Olson

Compliance History Worksheet

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

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	8	40%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 60%

>> **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 eight months of self-reported effluent violations and one order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 60%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 60%

Screening Date 18-Jul-2018
Respondent City of Liberty Hill (PCW No. 2)
Case ID No. 56418
Reg. Ent. Reference No. RN104102132
Media [Statute] Water Quality
Enf. Coordinator Caleb Olson

Docket No. 2018-1024-MLM-E

PCW

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

Violation Number
Rule Cite(s) 30 Tex. Admin. Code § 281.25(a)(4) and 40 Code of Federal Regulations § 122.26(b)(14)(ix) and (c)
Violation Description Failed to obtain authorization to discharge stormwater. Specifically, wastewater treatment facilities with design flows of 1.0 million gallons per day or more are required to obtain authorization to discharge stormwater under Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR050000.

Base Penalty

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="5.0%"/>

100% of the rule requirements were not met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input checked="" type="checkbox"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Four monthly events are recommended from the April 1, 2018 TPDES Interim II phase effective date to the July 18, 2018 screening date.

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input checked="" type="checkbox"/>
N/A	<input type="text"/>	<input type="text"/>

Notes: The Respondent returned to compliance on July 24, 2018.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Liberty Hill (PCW No. 2)
Case ID No. 56418
Reg. Ent. Reference No. RN104102132
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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	\$3,500	1-Apr-2018	24-Jul-2018	0.31	\$55	n/a	\$55
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Permit costs is the estimated cost to develop and implement a stormwater pollution prevention plan and submit a Notice of Intent to obtain authorization to discharge stormwater. Date required is the TPDES Interim II phase effective date. Final date is the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,500

TOTAL

\$55



Penalty Calculation Worksheet (PCW)

TCEQ

DATES	Assigned PCW	14-May-2019	Screening	22-May-2019	EPA Due	
	PCW	10-Jun-2019				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Liberty Hill (PCW No. 3)		
Reg. Ent. Ref. No.	RN104102132		
Facility/Site Region	11-Austin	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	56418	No. of Violations	1
Docket No.	2018-1024-MLM-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media	Water Quality	Enf. Coordinator	Caleb Olson
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **Adjustment** **Subtotals 2, 3, & 7**

Notes

Culpability **Enhancement** **Subtotal 4**

Notes

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit **Enhancement*** **Subtotal 6**

Total EB Amounts
 Estimated Cost of Compliance
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL **Reduction** **Adjustment**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

PAYABLE PENALTY

Screening Date 22-May-2019

Docket No. 2018-1024-MLM-E

PCW

Respondent City of Liberty Hill (PCW No. 3)

Policy Revision 4 (April 2014)

Case ID No. 56418

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN104102132

Media Water Quality

Enf. Coordinator Caleb Olson

Compliance History Worksheet

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

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	8	40%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2)

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

Adjustment Percentage (Subtotal 3)

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

Adjustment Percentage (Subtotal 7)

>> **Compliance History Summary**

Compliance History Notes

Enhancement for eight months of self-reported effluent violations and one order containing a denial of liability.

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

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100%

Screening Date 22-May-2019

Docket No. 2018-1024-MLM-E

PCW

Respondent City of Liberty Hill (PCW No. 3)

Policy Revision 4 (April 2014)

Case ID No. 56418

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN104102132

Media Water Quality

Enf. Coordinator Caleb Olson

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and (4), and TPDES Permit No. WQ0014477001, Permit Conditions No. 2.d

Violation Description Failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment. Specifically, from March 16, 2019 through March 17, 2019, approximately 3,000 gallons of partially treated wastewater containing solids was discharged from the Facility's outfall into the receiving stream, resulting in the accumulation of wastewater sludge at the outfall with a depth of approximately 18 inches.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual			X		30.0%
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 as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 3 Number of violation days 67

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$22,500

Three monthly events are recommended from the date the unauthorized discharge began (March 16, 2019) to the screening date (May 22, 2019).

Good Faith Efforts to Comply

0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

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

Violation Subtotal \$22,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$36,000

This violation Final Assessed Penalty (adjusted for limits) \$36,000

Economic Benefit Worksheet

Respondent City of Liberty Hill (PCW No. 3)
Case ID No. 56418
Reg. Ent. Reference No. RN104102132
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Delayed cost captured in PCW No. 1, Economic Benefit No. 3.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

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

Compliance History Report for CN602959033, RN104102132, Rating Year 2018 which includes Compliance History (CH) components from September 1, 2013, through August 31, 2018.

Customer, Respondent, or Owner/Operator: CN602959033, City of Liberty Hill **Classification:** SATISFACTORY **Rating:** 3.27

Regulated Entity: RN104102132, LIBERTY HILL REGIONAL WWTP **Classification:** SATISFACTORY **Rating:** 3.27

Complexity Points: 8 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: Located approximately 5,000 feet north of the South Fork San Gabriel River and 2,000 feet east of United States Highway 183 in Liberty Hill, Williamson County, Texas

TCEQ Region: REGION 11 - AUSTIN

ID Number(s):

WASTEWATER EPA ID TX0126195
STORMWATER PERMIT TXR05EB91

WASTEWATER PERMIT WQ0014477001

Compliance History Period: September 01, 2013 to August 31, 2018 **Rating Year:** 2018 **Rating Date:** 09/01/2018

Date Compliance History Report Prepared: November 09, 2018

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: November 09, 2013 to November 09, 2018

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

Name: Caleb Olson

Phone: (817) 588-5856

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

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

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

- 1 **Effective Date:** 08/22/2018 **ADMINORDER** 2017-0141-MWD-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 317 317.7(i)
 Description: Failed to equip a hose bib with an atmospheric vacuum breaker. Specifically, a vacuum breaker was not installed on the hose bib adjacent to the on-site lift station. Failed to test the reduced-pressure principal backflow prevention assembly (RPBA) annually. Specifically, no records of test results of the backflow prevention assembly were available.
 Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: Failed to submit the annual sludge report. Specifically, the DMR Report was submitted; however, the annual report was not submitted to the TCEQ Region Office and TCEQ Water Quality Compliance Monitoring Team.
 Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: TPDES Permit No. WQ0014477001 PERMIT
 Description: Failed to prevent the unauthorized discharge of wastewater. Specifically, two unauthorized discharges occurred within the previous 18 months.
 Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Item 7, Page 7 PERMIT

Description: Failed to provide notification of any effluent violation which deviates from the permitted effluent limitation by more than 40%.

Classification: Moderate

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

Rqmt Prov: Page 7, Item 7.a, 7.b.i PERMIT

Description: Failed to provide notification to the TCEQ Region Office within 24 hours and a written submission to the TCEQ Region Office and TCEQ Enforcement within 5 working days of becoming aware of an unauthorized discharge.

Classification: Minor

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failed to comply with permitted effluent limitations

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	November 13, 2013	(1142803)	Item 16	June 18, 2015	(1271447)
Item 2	December 17, 2013	(1149220)	Item 17	July 15, 2015	(1279007)
Item 3	January 17, 2014	(1155324)	Item 18	August 18, 2015	(1285203)
Item 4	February 20, 2014	(1162648)	Item 19	September 17, 2015	(1292289)
Item 5	March 19, 2014	(1169247)	Item 20	October 19, 2015	(1298469)
Item 6	April 16, 2014	(1176445)	Item 21	November 21, 2015	(1303916)
Item 7	July 16, 2014	(1194884)	Item 22	March 18, 2016	(1333820)
Item 8	August 18, 2014	(1201597)	Item 23	April 19, 2016	(1340950)
Item 9	September 15, 2014	(1116256)	Item 24	June 08, 2016	(1354167)
Item 10	December 18, 2014	(1226333)	Item 25	July 20, 2016	(1361156)
Item 11	January 21, 2015	(1233409)	Item 26	August 03, 2016	(1367580)
Item 12	March 20, 2015	(1250705)	Item 27	September 20, 2016	(1374331)
Item 13	March 27, 2015	(1244314)	Item 28	November 18, 2016	(1386425)
Item 14	April 22, 2015	(1257597)	Item 29	December 20, 2016	(1392548)
Item 15	May 18, 2015	(1264360)	Item 30	May 21, 2018	(15026)

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: 11/30/2017 (1469842)			
	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			
2	Date: 12/31/2017 (1476552)			
	Self Report? YES	Classification: Moderate		
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
	Description: Failure to meet the limit for one or more permit parameter			
3	Date: 01/31/2018 (1488715)			
	Self Report? YES	Classification: Moderate		
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
	Description: Failure to meet the limit for one or more permit parameter			
4	Date: 02/28/2018 (1492381)			
	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			

5	Date: 03/31/2018 (1495679)		
	Self Report? YES	Classification:	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
6	Date: 05/31/2018 (1509727)		
	Self Report? YES	Classification:	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
7	Date: 06/30/2018 (1516047)		
	Self Report? YES	Classification:	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
8	Date: 07/31/2018 (1522086)		
	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 LIBERTY HILL
RN104102132**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2018-1024-MLM-E**

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this resolving agreement of the parties, an enforcement action regarding the City of Liberty Hill (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located approximately 5,000 feet north of the South Fork San Gabriel River and 2,000 feet east of United States Highway 183 in Liberty Hill, Williamson County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$114,563 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of \$22,912 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$91,651 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the

conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. By May 18, 2018, removed and properly disposed of approximately 750 gallons of wastewater mixture from the east end of the automatic rotary bar screen unit for the membrane batch reactor ("MBR") treatment train.
 - b. By June 11, 2018, prepared and submitted a Notification of Completion Form for the Interim II Phase to the TCEQ Austin Regional Office and the TCEQ Applications Review and Processing Team.
 - c. By July 24, 2018, obtained authorization to discharge stormwater under Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR05EB91.

II. ALLEGATIONS

1. During an investigation conducted from May 8, 2018 through May 31, 2018, an investigator documented that the Respondent:
 - a. Failed to ensure the safety of all individuals authorized to access a wastewater treatment facility, treatment unit, collection system, or collection unit, in violation of 30 TEX. ADMIN. CODE §§ 217.3(b)(2) and 217.325(c) and (k). Specifically, a permanent stairway was not provided to provide access to the top of the headworks for the MBR treatment train which is approximately 11 feet from ground level. A mobile step ladder was being used to reach the top of the

unit. Additionally, permanent walkways were not provided on top of the unit to allow the operators safe access to conduct inspections and maintenance. The operators were using wood planks to walk along the top of the headworks to access the maintenance panels.

- b. Failed to properly collect effluent samples, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.9(a), and TPDES Permit No. WQ0014477001, Interim II Effluent Limitations and Monitoring Requirements No. 1 and Definitions and Standard Permit Conditions No. 3.a. Specifically, the chains of custody and effluent lab results for the monthly monitoring periods of April 2018 and May 2018 show that the Respondent collected grab samples instead of composite samples for Carbonaceous Biochemical Oxygen Demand (five-day), Total Suspended Solids, Ammonia Nitrogen, Nitrate-Nitrogen, Total Nitrogen, and Total Phosphorus.
- c. Failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (4), and TPDES Permit No. WQ0014477001, Permit Conditions No. 2.d and Operational Requirements No. 1. Specifically, the Facility discharged wastewater sludge which accumulated and facilitated an algal bloom, covering approximately 95% of the river's bottom and surface, and sludge pockets existed from approximately 50 feet upstream to approximately 1,000 feet downstream of the Facility's outfall.
- d. Failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE §§ 305.125(1) and (4) and 307.4(b)(4), and TPDES Permit No. WQ0014477001, Permit Conditions No. 2.d and Operational Requirements No. 1. Specifically, according to the effluent data from November 2016 to May 2018, 28 Ammonia Nitrogen exceedances, 11 Total Phosphorus exceedances, 8 Total Suspended Solids exceedances, and 3 flow exceedances contributed to and facilitated an algal bloom and algae and algae mats continued from approximately 60 feet upstream to approximately 3.6 miles downstream of the outfall. Total Phosphorus is a nutrient parameter. As part of the ammonia cycle in water, Ammonia Nitrogen is broken down into nitrates and nitrites which are nutrients. Furthermore, surface waters were not maintained in an aesthetically attractive condition.
- e. Failed to prevent an unauthorized discharge by failing to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0014477001, Permit Conditions No. 2.g and Operational Requirements No. 1. Specifically, on May 10, 2018, approximately 750 gallons of wastewater mixture was discharged on the east end of the automatic rotary bar screen unit for the MBR treatment train as a result of the unit being overloaded with hydromulch.

- f. Failed to notify the TCEQ Austin Regional Office and the TCEQ Applications Review and Processing Team in writing at least 45 days prior to the completion of the new Interim II facilities, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014477001, Other Requirements No. 9. Specifically, the Respondent began using their new MBR treatment train to treat incoming wastewater by April 1, 2018 and a Notification of Completion Form was not submitted to the TCEQ Austin Regional Office and the TCEQ Applications Review and Processing Team until June 11, 2018.
 - g. Failed to obtain authorization to discharge stormwater, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 122.26(b)(14)(ix) and (c). Specifically, wastewater treatment facilities with design flows of 1.0 million gallons per day or more are required to obtain authorization to discharge stormwater under TPDES General Permit No. TXR050000.
 2. During an investigation conducted from March 18, 2019 through April 2, 2019, an investigator documented that the Respondent failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (4), and TPDES Permit No. WQ0014477001, Permit Conditions No. 2.d. Specifically, from March 16, 2019 through March 17, 2019, approximately 3,000 gallons of partially treated wastewater containing solids was discharged from the Facility's outfall into the receiving stream, resulting in the accumulation of wastewater sludge at the outfall with a depth of approximately 18 inches.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Liberty Hill, Docket No. 2018-1024-MLM-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete an SEP as set forth in Section I, Paragraph No. 4. The amount of \$91,651 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements:
 - a. Within 7 days after the effective date of this Order and on a weekly basis thereafter until Ordering Provision No. 3.g is completed:
 - i. Assess the receiving stream at the outfall to determine if wastewater sludge is present and remove all wastewater sludge accordingly or verify that wastewater sludge is not present in the receiving stream at the outfall.
 - ii. Assess the receiving stream at the outfall to determine if algal mats are present and remove all algal mats accordingly to ensure that the receiving stream at the outfall is maintained in an aesthetically attractive condition, in accordance with 30 TEX. ADMIN. CODE § 307.4(b)(4) or verify that algal mats are not present in the receiving stream at the outfall.
 - b. Within 30 days after the effective date of this Order:
 - i. Submit written certification of compliance with Ordering Provision Nos. 3.a.i and 3.a.ii, in accordance with Ordering Provision No. 3.h. This certification shall be submitted on a monthly basis thereafter until Ordering Provision No. 3.g is completed.
 - ii. Update the Facility's operational guidance and conduct employee training to ensure that all sampling is conducted in accordance with TPDES Permit No. WQ0014477001.
 - c. Within 45 days after the effective date of this Order, submit written certification of compliance with Ordering Provision No. 3.b.ii, in accordance with Ordering Provision No. 3.h.
 - d. Within 60 days after the effective date of this Order, conduct an engineering evaluation of the Facility to determine the cause of and necessary corrective actions designed to prevent the discharge of wastewater sludge and nutrient-rich wastewater into the receiving stream and include an evaluation of the receiving stream nutrient load. The Facility evaluation shall be prepared by a Texas registered professional engineer and shall include a plan and schedule for the

completion of necessary corrective actions within 270 days after the effective date of this Order.

- e. Within 75 days after the effective date of this Order:
 - i. Construct a permanent stairway to the top of the headworks for the MBR treatment train and install walkways on top of the headworks for the MBR treatment train to allow operators safe access to conduct inspections and maintenance, in accordance with 30 TEX. ADMIN. CODE § 217.325(k).
 - ii. Install a secondary headworks screen with the associated piping and electrical work.
- f. Within 90 days after the effective date of this Order, submit written certification of compliance with Ordering Provision Nos. 3.e.i and 3.e.ii, in accordance with Ordering Provision No. 3.h.
- g. Within 285 days after the effective date of this Order, submit written certification demonstrating the completion of the corrective actions designed to prevent the discharge of wastewater sludge and nutrient-rich wastewater into the receiving stream, as prescribed by the engineering evaluation required by Ordering Provision No. 3.d, in accordance with Ordering Provision No. 3.h.
- h. The written certifications of compliance required by Ordering Provision Nos. 3.b.i, 3.c, 3.f, and 3.g shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes 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 Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively,

the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

[Signature]
For the Executive Director

4/23/2020
Date

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

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the 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

3-30-20
Date

Rick D. Hall
Name (Printed or typed)
Authorized Representative of
City of Liberty Hill

Mayor
Title

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

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

Attachment A
Docket Number: 2018-1024-MLM-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Liberty Hill
Penalty Amount:	Ninety-One Thousand Six Hundred Fifty-One Dollars (\$91,651)
SEP Offset Amount:	Ninety-One Thousand Six Hundred Fifty-One Dollars (\$91,651)
Type of SEP:	Compliance SEP
Project Name:	<i>Access Platform and Secondary Screen</i>
Location of SEP:	Williamson County

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

Respondent is a Local Government that qualifies under TEX. WATER CODE § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment facility which are described in this Agreed Order. This Agreed Order cites violations at Respondent’s wastewater treatment facility.

I. Project Description

A. Project

Respondent shall hire a qualified contractor to install a platform with stairs and railing to access areas of the headworks facility and install a secondary headworks screen that will be in series with the existing headworks. Plant piping and electrical work will be included in the installation of the secondary headworks screen.

Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for one or more of the following: platform, secondary headworks screen, plant piping, and electrical work (the “Project”). The SEP does not address other obligations required by the Agreed Order.

The Project will be performed in accordance with all federal, state, and local environmental laws and regulations, including obtaining any permits that may be required prior to commencement of the work. Any advertisements related to the SEP must include the enforcement statement as stated in Section 6, Publicity.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C, Minimum Expenditure, Estimated Cost Schedule. No portion of the SEP Offset Amount shall be spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent's signature affixed to the attached Agreed Order certifies that Respondent is performing the Compliance SEP solely as part of the terms of settlement in the enforcement action.

B. Environmental Benefit

This SEP will provide an environmental benefit by improving the quality of wastewater effluent being released into the environment. Inadequately treated effluent can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the Project described in Section 1, above, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project.

Estimated Cost Schedule

Item	Quantity	Units	Cost	Total
Headworks platform	1	Each	\$35,000	\$35,000
Secondary screen	1	Each	\$350,000	\$350,000
Plant piping	1	LS (Lump sum)	\$100,000	\$100,000
Electrical work	1	LS	\$75,000	\$75,000
Screen Foundation	1	LS	\$75,000	\$75,000
Total				\$635,000

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 75 days after the effective date of this Agreed Order.

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 75 days after the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project from the Notice of Commencement. Respondent shall submit

progress reports containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

Reporting Schedule

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
75	Notice of SEP completion

B. Final Report

Within 75 days after the effective date of the Agreed Order, or within 30 days after completion of SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices or paid receipts corresponding to the itemized list in paragraph 3.B.1., above;
3. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
4. Proof of publication of invitation for bids (publication must include the enforcement statement, as stated in Section 6, Publicity), if applicable;
5. Dated photographs of the purchased equipment; the equipment being removed; work being performed during the installation process; and of the completed Project;
6. Copies of all engineering plans related to work performed pursuant to the Project, if applicable;
7. A notarized/certified statement of SEP completion; and
8. Any additional information demonstrating compliance with this Attachment A.

C. Address

Respondent shall submit all SEP reports and any additional information as requested to the following address:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

4. **Additional Information and Access**

Respondent shall provide additional information as requested by TCEQ staff, and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

5. **Failure to Fully Perform**

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 through 4 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "**Texas Commission on Environmental Quality**," and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

6. **Publicity**

Any public statements concerning this Project made by or on behalf of 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.

7. **Recognition**

Respondent may not seek recognition for this project in any other state or federal regulatory program.

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

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