

**Executive Summary – Enforcement Matter – Case No. 59597**  
**City of Round Rock, City of Cedar Park, and City of Austin**  
**RN100822600**  
**Docket No. 2020-0964-MLM-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:**

MLM – WQ and MWD

**Small Business:**

No

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

Brushy Creek Regional East WWTP, 3939 East Palm Valley Boulevard, Round Rock, 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 has expressed an interest in this matter but does not wish to speak at Agenda.

**Texas Register Publication Date:** January 26, 2024

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$355,980

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

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

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$355,980

Name of SEP: Clarifier Additions (Compliance)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** MWD - Yes; WQ - No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014 and January 2021

**Executive Summary – Enforcement Matter – Case No. 59597**  
**City of Round Rock, City of Cedar Park, and City of Austin**  
**RN100822600**  
**Docket No. 2020-0964-MLM-E**

***Investigation Information***

**Complaint Date(s):** December 11, 2021, December 12, 2021, March 2, 2022, and June 17, 2022

**Complaint Information:** Alleged sewage and foul smell in Brushy Creek with the WWTF itself, was overloaded. There was discharge of raw sewage, the build-up of brown sludge in Brushy Creek, and sewage odor from the WWTF; partially treated sewage was discharged into Brushy Creek from the WWTF. The water in Brushy Creek downstream of the WWTF was dirty; untreated wastewater was being pumped into Brushy Creek from the WWTF; and the dumping of sludge into Brushy Creek by the WWTF. A manhole overflowed at Brushy Creek upstream of the wastewater treatment facility. There was a fish kill. Solids and debris were released onto the ground and sludge was released to the creek.

**Date(s) of Investigation:** May 20, 2020 through May 26, 2020, December 15, 2021, March 2, 2022 through March 4, 2022, and June 17, 2022

**Date(s) of NOE(s):** June 19, 2020, March 1, 2022, April 12, 2022, and July 15, 2022

***Violation Information***

1. Failed to maintain a complete Stormwater Pollution Prevention Plan [30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System (“TPDES”) General Permit No. TXR05EN54, Part III, Section A.1].
2. Failed to prevent an unauthorized discharge of wastewater into or adjacent to any water in the state [30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010264002, Permit Conditions No. 2.g].
3. Failed to maintain compliance with permitted effluent limitations for *Escherichia coli* [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010264002, Interim I Effluent Limitations and Monitoring Requirements No. 1].
4. Failed to take all reasonable steps to minimize or prevent any discharge or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment [30 TEX. ADMIN. CODE § 305.125(1), (4), and (5), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010264002, Permit Conditions No. 2.d].
5. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010264002, Operational Requirements No. 1].
6. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010264002, Operational Requirements No. 1].

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**Docket No. 2020-0964-MLM-E**

7. Failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state [30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010264002, Permit Conditions No. 2.g].

8. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010264002, Operational Requirements No. 1].

9. Failed to prevent an unauthorized discharge of wastewater into or adjacent to any water in the state [30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010264002, Permit Conditions No. 2.g].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondents have implemented the following corrective measures:

- a. By June 23, 2019, manually restarted the influent lift station's pumps, upgraded or replaced the uninterruptable power supplies for the influent lift station's computer system, re-grouted the manhole, and cleaned and disinfected the affected area;
- b. By August 3, 2020, began maintaining a complete Stormwater Pollution Prevention Plan;
- c. By June 17, 2022, collected and properly disposed of the dead fish resulting from the manhole discharge;
- d. By March 31, 2023, cleaned and properly disinfected the affected area around the manhole;
- e. By April 4, 2023, disposed of the wastewater solids and properly cleaned the affected area around the UV disinfection system;
- f. By May 2, 2023, removed and properly disposed of excessive floating solids from the Clarifier No. 1 and made the necessary repairs/adjustments to ensure that wastewater exiting Clarifier No. 1 was clear in appearance;
- g. By June 19, 2023, removed the wastewater sludge accumulations from the affected areas of Brushy Creek, from approximately 200 feet upstream of Outfall No. 001 to approximately 1.8 miles downstream of Outfall No. 001;
- h. By July 10, 2023, removed and properly disposed of excessive floating solids from the Clarifier No. 2 and made the necessary repairs/adjustments to ensure that wastewater exiting Clarifier No. 2 was clear in appearance;

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**City of Round Rock, City of Cedar Park, and City of Austin**  
**RN100822600**  
**Docket No. 2020-0964-MLM-E**

- i. By July 10, 2023, removed and properly disposed of excessive floating solids from the Clarifier No. 4 and made the necessary repairs/adjustments to ensure that wastewater exiting Clarifier No. 4 was clear in appearance; and
- j. By July 10, 2023, repaired/replaced the faulty pump for the effluent composite sampler.

**Technical Requirements:**

- 1. The Order will require the Respondents to implement and complete a SEP (see SEP Attachment A).
- 2. The Order will also require the Respondents to:
  - a. Within 30 days:
    - i. Make any necessary repairs/adjustments to ensure that wastewater exiting Clarifier No. 3 is clear in appearance; and
    - ii. Repair/replace the skimmer for the second skimmer arm assembly in Clarifier No. 2.
  - b. Within 45 days, submit written certification of compliance with a.
  - c. Within 60 days, complete construction of the two new/additional clarifiers and place the clarifiers online.
  - d. Within 75 days, submit written certification of compliance with c.
  - e. Within 180 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010264002, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations to demonstrate compliance.

**Executive Summary – Enforcement Matter – Case No. 59597  
City of Round Rock, City of Cedar Park, and City of Austin  
RN100822600  
Docket No. 2020-0964-MLM-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Harley Hobson, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-1337; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**TCEQ SEP Coordinator:** Adena Crider, SEP Coordinator, Litigation Division, MC 175, (512) 239-0648

**Respondent:** The Honorable Craig Morgan, Mayor, City of Round Rock, 221 East Main Street, Round Rock, Texas 78664-5271

Michael Thane, P.E., Director of Utilities, City of Round Rock, 221 East Main Street, Round Rock, Texas 78664-5271

Eric Rauschuber, P.E., Director of Public Works, City of Cedar Park, 2401 Brushy Creek Loop, Cedar Park, Texas, 78613

Shay Ralls Roalson, P.E., Director of Water, City of Austin, 625 East 10th Street, Austin, Texas 78701

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	22-Jun-2020	<b>Screening</b>	9-Jul-2020	<b>EPA Due</b>	
	<b>PCW</b>	5-Aug-2022				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Round Rock, City of Cedar Park, and City of Austin (PCW No. 1)
<b>Reg. Ent. Ref. No.</b>	RN100822600
<b>Facility/Site Region</b>	11-Austin
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	59597	<b>No. of Violations</b>	1
<b>Docket No.</b>	2020-0964-MLM-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>	Water Quality	<b>Enf. Coordinator</b>	Harley Hobson
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$250
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	2.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$5
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<b>Notes</b>	Enhancement for one NOV with dissimilar violations.
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<b>Culpability</b>	No	0.0%	Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondents do not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$25
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$5	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$500	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$230
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
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<b>Final Penalty Amount</b>	\$230
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$230
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<b>DEFERRAL</b>	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	No deferral is recommended for Findings Orders.
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<b>PAYABLE PENALTY</b>	\$230
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**Screening Date** 9-Jul-2020

**Docket No.** 2020-0964-MLM-E

**PCW**

**Respondent**

City of Round Rock, City of Cedar Park, and City of Austin (PCW No. 1)

**Case ID No.** 59597

*Policy Revision 4 (April 2014)*

*PCW Revision March 26, 2014*

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

**Media** Water Quality

**Enf. Coordinator** Harley Hobson

### 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> )	0	0%
	Other written NOVs	1	2%
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%
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)** 2%

#### >> 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 NOV with dissimilar violations.

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

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 2%

Screening Date 9-Jul-2020

Docket No. 2020-0964-MLM-E

PCW

City of Round Rock, City of Cedar Park, and City of Austin (PCW No. 1)

Respondent

Case ID No. 59597

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100822600

Media Water Quality

Enf. Coordinator Harley Hobson

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System General Permit No. TXR05EN54, Part III, Section A.1

Violation Description

Failed to maintain a complete stormwater pollution prevention plan ("SWP3"). Specifically, the site map, materials inventory list, non-stormwater discharge assessment and certifications, annual comprehensive compliance inspection reports, a general location map of the Facility, a copy of the permit acknowledgement from the Texas Commission on Environmental Quality, and a copy of the Multi-Sector General Permit were not provided as part of the SWP3.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor
				X

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

75 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$25

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

Extraordinary		
Ordinary		X
N/A		

Notes

The Respondents achieved compliance by August 3, 2020.

Violation Subtotal \$225

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$230

This violation Final Assessed Penalty (adjusted for limits) \$230



# Economic Benefit Worksheet

**Respondent** City of Round Rock, City of Cedar Park, and City of Austin (PCW No. 1)  
**Case ID No.** 59597  
**Reg. Ent. Reference No.** RN100822600  
**Media Violation No.** Water Quality  
 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### 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	\$500	20-May-2020	3-Aug-2020	0.21	\$5	n/a	\$5
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**

Estimated Record Keeping System cost to begin maintaining a complete SWP3. The Date Required is the investigation date, and the 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

\$500

**TOTAL**

\$5



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	22-Jun-2020	<b>Screening</b>	9-Jul-2020	<b>EPA Due</b>	
	<b>PCW</b>	5-Aug-2022				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Round Rock, City of Cedar Park, and City of Austin (PCW No. 2)
<b>Reg. Ent. Ref. No.</b>	RN100822600
<b>Facility/Site Region</b>	11-Austin
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	59597	<b>No. of Violations</b>	1
<b>Docket No.</b>	2020-0964-MLM-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>	Water Quality	<b>Enf. Coordinator</b>	Harley Hobson
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$25,000
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	2.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$500
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<b>Notes</b>	Enhancement for one NOV with dissimilar violations.
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<b>Culpability</b>	No	0.0%	Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondents do not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$6,250
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$0	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$3,500	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$19,250
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
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<b>Final Penalty Amount</b>	\$19,250
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$19,250
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<b>DEFERRAL</b>	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	No deferral is recommended for Findings Orders.
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<b>PAYABLE PENALTY</b>	\$19,250
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**Screening Date** 9-Jul-2020

**Docket No.** 2020-0964-MLM-E

**PCW**

City of Round Rock, City of Cedar Park, and City of Austin (PCW No. 2)

**Respondent**

**Case ID No.** 59597

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

**Media** Water Quality

**Enf. Coordinator** Harley Hobson

*Policy Revision 4 (April 2014)*

*PCW Revision March 26, 2014*

### 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> )	0	0%
	Other written NOVs	1	2%
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%
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)** 2%

#### >> 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 NOV with dissimilar violations.

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

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 2%

**Screening Date** 9-Jul-2020 **Docket No.** 2020-0964-MLM-E **PCW**  
**Respondent** City of Round Rock, City of Cedar Park, and City of Austin (PCW No. 2) *Policy Revision 4 (April 2014)*  
**Case ID No.** 59597 *PCW Revision March 26, 2014*  
**Reg. Ent. Reference No.** RN100822600  
**Media** Water Quality  
**Enf. Coordinator** Harley Hobson

**Violation Number** 1  
**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and (5), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010264002, Permit Conditions No. 2.g  
**Violation Description** Failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state. Specifically, on June 23, 2019, a pump failure at the Facility's influent lift station resulted in the unauthorized discharge of approximately 100,000 gallons of untreated wastewater from a manhole into Brushy Creek, resulting in a fish kill.  
**Base Penalty** \$25,000

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	x			<b>Percent</b> 100.0%
Potential					

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

**Matrix Notes** Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$0  
**Base Penalty** \$25,000

**Violation Events**

Number of Violation Events	1	Number of violation days	1	<b>Violation Base Penalty</b> \$25,000
daily				
weekly				
monthly	x			
quarterly				
semiannual				
annual				
single event				

One monthly event is recommended for the June 23, 2019 unauthorized discharge date to the June 23, 2019 compliance date.

**Good Faith Efforts to Comply** 25.0% Reduction \$6,250

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary	x		
N/A			
<b>Notes</b>	The Respondents achieved compliance by June 23, 2019.		

**Violation Subtotal** \$18,750

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$0 **Violation Final Penalty Total** \$19,250  
**This violation Final Assessed Penalty (adjusted for limits)** \$19,250

# Economic Benefit Worksheet

**Respondent** City of Round Rock, City of Cedar Park, and City of Austin (PCW No. 2)  
**Case ID No.** 59597  
**Reg. Ent. Reference No.** RN100822600  
**Media Violation No.** Water Quality  
 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### 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	\$3,500	23-Jun-2019	23-Jun-2019	0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to manually restart the influent lift station's pumps, upgrade or replace the uninterruptable power supplies for the influent lift station's computer system, re-grout the manhole, and clean and disinfect the affected area. The Date Required is the date the unauthorized discharge occurred, and the 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** \$0



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	7-Mar-2022		
	<b>PCW</b>	8-Aug-2022	<b>Screening</b>	17-Mar-2022
			<b>EPA Due</b>	

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Round Rock, City of Cedar Park, City of Austin (PCW No. 3)
<b>Reg. Ent. Ref. No.</b>	RN100822600
<b>Facility/Site Region</b>	11-Austin
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	59597	<b>No. of Violations</b>	4
<b>Docket No.</b>	2020-0964-MLM-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Harley Hobson
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$157,500
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	50.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$78,750
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<b>Notes</b>	Enhancement for ten months of self-reported effluent violations.
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<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondents do not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$10,000
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$3,830,206	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$28,127,500	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$226,250
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
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<b>Final Penalty Amount</b>	\$226,250
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$226,250
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<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	No deferral is recommended for Findings Orders.
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<b>PAYABLE PENALTY</b>	\$226,250
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Screening Date 17-Mar-2022

Docket No. 2020-0964-MLM-E

PCW

Respondent City of Round Rock, City of Cedar Park, City of Austin (PCW No. 3)

Policy Revision 5 (January 28, 2021)

Case ID No. 59597

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100822600

Media Water Quality

Enf. Coordinator Harley Hobson

### 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> )	10	50%
	Other written NOVs	0	0%
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%
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) 50%

#### >> 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 ten months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 50%

#### >> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 50%

**Screening Date** 17-Mar-2022 **Docket No.** 2020-0964-MLM-E **PCW**  
**Respondent** City of Round Rock, City of Cedar Park, City of Austin (PCW No. 3) *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 59597 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN100822600  
**Media** Water Quality  
**Enf. Coordinator** Harley Hobson

**Violation Number**

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

**Violation Description** Failed to maintain compliance with permitted effluent limitations. Specifically, a grab sample collected during the December 15, 2021 investigation revealed the Respondents exceeded the permitted effluent limitation for *Escherichia coli* daily maximum concentration of 399 most probable number per 100 milliliters ("MPN/100 mL") with a result of 1,730 MPN/100 mL.

**Base Penalty**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text" value="50.0%"/>
	Potential	<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 significant amounts of pollutants which do 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**

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 Respondents do 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 Round Rock, City of Cedar Park, City of Austin (PCW No. 3)  
**Case ID No.** 59597  
**Reg. Ent. Reference No.** RN100822600  
**Media Violation No.** Water Quality  
 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$28,000,000	15-Dec-2021	27-Nov-2023	1.95	\$182,064	\$3,641,279	\$3,823,343
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)	\$100,000	15-Dec-2022	7-Nov-2023	0.90	\$4,479	n/a	\$4,479

**Notes for DELAYED costs**

Estimated Engineering/Construction cost to finish construction of the clarifiers, included in the Interim Phase II Construction Project, scheduled for completion in summer 2023; and place the clarifiers online. The Date Required is the investigation date, and the Final Date is the estimated date of compliance.

Estimated cost to determine the cause of noncompliance, make any necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations. The Date Required is the investigation date, and the Final Date is the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$28,100,000

**TOTAL** \$3,827,822

**Screening Date** 17-Mar-2022 **Docket No.** 2020-0964-MLM-E **PCW**  
**Respondent** City of Round Rock, City of Cedar Park, City of Austin (PCW No. 3) *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 59597 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN100822600  
**Media** Water Quality  
**Enf. Coordinator** Harley Hobson

**Violation Number** 2  
**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1), (4), and (5), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0010264002, Permit Conditions No. 2.d  
**Violation Description** Failed to take all reasonable steps to minimize or prevent any discharge or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment. Specifically, effluent discharging into Brushy Creek was turbid in appearance, and wastewater sludge containing bloodworms was observed in Brushy Creek approximately 1.8 miles downstream of Outfall No. 001.

**Base Penalty** \$25,000

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	x			<b>Percent</b> 100.0%
Potential					

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

**Matrix Notes** Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of this violation.

**Adjustment** \$0

\$25,000

**Violation Events**

Number of Violation Events 4 92 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$100,000

Four monthly events are recommended from the December 15, 2021 investigation date to the March 17, 2022 screening date.

**Good Faith Efforts to Comply** 10.0% Reduction \$10,000

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		

**Notes** The Respondents achieved compliance by June 19, 2023.

**Violation Subtotal** \$90,000

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$18,870 **Violation Final Penalty Total** \$140,000

**This violation Final Assessed Penalty (adjusted for limits)** \$140,000

# Economic Benefit Worksheet

**Respondent** City of Round Rock, City of Cedar Park, City of Austin (PCW No. 3)  
**Case ID No.** 59597  
**Reg. Ent. Reference No.** RN100822600  
**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
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### 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	\$250,000	15-Dec-2021	19-Jun-2023	1.51	\$18,870	n/a	\$18,870
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Monitoring				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated Remediation/Disposal cost to remove the sludge accumulations from the affected areas of Brushy Creek, from approximately 200 feet upstream of Outfall No. 001 to approximately 1.8 miles downstream of Outfall No. 001. The Date Required is the investigation date, and the Final Date is the date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$250,000

**TOTAL** \$18,870

**Screening Date** 17-Mar-2022 **Docket No.** 2020-0964-MLM-E **PCW**  
**Respondent** City of Round Rock, City of Cedar Park, City of Austin (PCW No. 3) *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 59597 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN100822600  
**Media** Water Quality  
**Enf. Coordinator** Harley Hobson

**Violation Number** 3  
**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0010264002, Operational Requirements No. 1  
**Violation Description** Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly maintained. Specifically, in Clarifier No. 2, one of the two skimmer arm assemblies was missing the skimmer component.

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				15.0%
	Potential		x		

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					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** \$21,250

\$3,750

**Violation Events**

Number of Violation Events 4 92 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$15,000

Four monthly events are recommended from the December 15, 2021 investigation date to the March 17, 2022 screening date.

**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 Respondents do not meet the good faith criteria for this violation.

**Violation Subtotal** \$15,000

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$341 **Violation Final Penalty Total** \$22,500

**This violation Final Assessed Penalty (adjusted for limits)** \$22,500

# Economic Benefit Worksheet

**Respondent** City of Round Rock, City of Cedar Park, City of Austin (PCW No. 3)  
**Case ID No.** 59597  
**Reg. Ent. Reference No.** RN100822600  
**Media Violation No.** Water Quality  
 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	\$2,500	15-Dec-2021	27-Nov-2023	1.95	\$16	\$325	\$341
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**

Estimated Equipment cost to repair/replace the skimmer for the second skimmer arm assembly in Clarifier No. 2. The Date Required is the investigation date, and the Final Date is the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$2,500

**TOTAL**

\$341

**Screening Date** 17-Mar-2022 **Docket No.** 2020-0964-MLM-E **PCW**  
**Respondent** City of Round Rock, City of Cedar Park, City of Austin (PCW No. 3) *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 59597 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN100822600  
**Media** Water Quality  
**Enf. Coordinator** Harley Hobson

**Violation Number** 4  
**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0010264002, Operational Requirements No. 1  
**Violation Description** Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly maintained. Specifically, excessive floating solids were observed in Clarifier Nos. 1 and 2; wastewater exiting Clarifier No. 1 was turbid and brown in appearance; and wastewater exiting Clarifier Nos. 2, 3, and 4 was turbid in appearance.

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				30.0%
	Potential	x			

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

**Matrix Notes** Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$17,500

\$7,500

**Violation Events**

Number of Violation Events 4 92 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$30,000

Four monthly events are recommended from the December 15, 2021 investigation date to the March 17, 2022 screening date.

**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 Respondents do not meet the good faith criteria for this violation.

**Violation Subtotal** \$30,000

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$2,043 **Violation Final Penalty Total** \$45,000

**This violation Final Assessed Penalty (adjusted for limits)** \$45,000

# Economic Benefit Worksheet

**Respondent** City of Round Rock, City of Cedar Park, City of Austin (PCW No. 3)  
**Case ID No.** 59597  
**Reg. Ent. Reference No.** RN100822600  
**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	\$20,000	15-Dec-2021	10-Jul-2023	1.57	\$1,567	n/a	\$1,567
Remediation	\$5,000	15-Dec-2021	10-Nov-2023	1.90	\$476	n/a	\$476
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated Remediation/Disposal cost to remove and properly dispose of excessive floating solids from the clarifier Nos. 1 and 2 and make any necessary repairs/adjustments to ensure that wastewater exiting Clarifier Nos. 1, 2, and 4 is clear in appearance. The Date Required is the investigation date, and the Final Date is the date of compliance.

Estimated Remediation cost to make any necessary repairs/adjustments to ensure that wastewater exiting Clarifier No. 3 is clear in appearance. The Date Required is the investigation date, and the Final Date is the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$25,000

**TOTAL** \$2,043



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	18-Apr-2022	<b>Screening</b>	28-Apr-2022	<b>EPA Due</b>	
	<b>PCW</b>	8-Aug-2022				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Round Rock, City of Cedar Park, City of Austin (PCW No. 4)
<b>Reg. Ent. Ref. No.</b>	RN100822600
<b>Facility/Site Region</b>	11-Austin
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	59597	<b>No. of Violations</b>	2
<b>Docket No.</b>	2020-0964-MLM-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Harley Hobson
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$28,750
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	50.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$14,375
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<b>Notes</b>	Enhancement for ten months of self-reported effluent violations.
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<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondents do not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$2,875
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$122	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$1,500	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$40,250
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
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<b>Final Penalty Amount</b>	\$40,250
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$40,250
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<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	No deferral is recommended for Findings Orders.
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<b>PAYABLE PENALTY</b>	\$40,250
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Screening Date 28-Apr-2022

Docket No. 2020-0964-MLM-E

PCW

Respondent City of Round Rock, City of Cedar Park, City of Austin (PCW No. 4)

Policy Revision 5 (January 28, 2021)

Case ID No. 59597

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100822600

Media Water Quality

Enf. Coordinator Harley Hobson

### 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> )	10	50%
	Other written NOVs	0	0%
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%
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) 50%

#### >> 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 ten months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 50%

#### >> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 50%

Screening Date 28-Apr-2022

Docket No. 2020-0964-MLM-E

PCW

Respondent City of Round Rock, City of Cedar Park, City of Austin (PCW No. 4)

Policy Revision 5 (January 28, 2021)

Case ID No. 59597

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100822600

Media Water Quality

Enf. Coordinator Harley Hobson

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and (5), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010264002, Permit Conditions No. 2.g

Violation Description

Failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state. Specifically, wastewater solids were observed on the ground near the ultraviolet ("UV") disinfection system.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 50.0%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$12,500

\$12,500

Violation Events

Number of Violation Events 2

56 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$25,000

Two monthly events are recommended from the March 3, 2022 date the violation was initially documented to the April 28, 2022 screening date.

Good Faith Efforts to Comply

10.0%

Reduction \$2,500

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

Notes

The Respondents achieved compliance by April 4, 2023.

Violation Subtotal \$22,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$27

Violation Final Penalty Total \$35,000

This violation Final Assessed Penalty (adjusted for limits) \$35,000

# Economic Benefit Worksheet

**Respondent** City of Round Rock, City of Cedar Park, City of Austin (PCW No. 4)  
**Case ID No.** 59597  
**Reg. Ent. Reference No.** RN100822600  
**Media Violation No.** Water Quality  
 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### 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	\$500	3-Mar-2022	4-Apr-2023	1.09	\$27	n/a	\$27
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 Estimated Remediation/Disposal cost to dispose of the sewer solids and properly clean and disinfect the affected area around the UV disinfection system. The Date Required is the date the violation was initially documented, and the Final Date is the date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$500

**TOTAL** \$27

**Screening Date** 28-Apr-2022 **Docket No.** 2020-0964-MLM-E **PCW**  
**Respondent** City of Round Rock, City of Cedar Park, City of Austin (PCW No. 4) *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 59597 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN100822600  
**Media** Water Quality  
**Enf. Coordinator** Harley Hobson

**Violation Number** 2  
**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0010264002, Operational Requirements No. 1  
**Violation Description** Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly maintained. Specifically, the Respondents did not collect 24-hour composite samples for analysis because the pump for the effluent composite sampler was not operational.

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				15.0%
	Potential		x		

**>> Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%
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 environment receptors as a result of the violation.					

**Adjustment** \$21,250

\$3,750

**Violation Events**

Number of Violation Events  Number of violation days

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

**Violation Base Penalty** \$3,750

One quarterly event is recommended from the March 3, 2022 date the violation was initially documented to the April 28, 2022 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"/>	x
N/A	<input type="text"/>	<input type="text"/>
Notes	The Respondents achieved compliance by July 10, 2023.	

**Violation Subtotal** \$3,375

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$95 **Violation Final Penalty Total** \$5,250

**This violation Final Assessed Penalty (adjusted for limits)** \$5,250

# Economic Benefit Worksheet

**Respondent** City of Round Rock, City of Cedar Park, City of Austin (PCW No. 4)  
**Case ID No.** 59597  
**Reg. Ent. Reference No.** RN100822600  
**Media Violation No.** Water Quality  
 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$1,000	3-Mar-2022	10-Jul-2023	1.35	\$5	\$90	\$95
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**

Estimated Equipment cost to repair/replace the faulty pump for the effluent composite sampler. The Date Required is the date the violation was initially documented, and the Final Date is the date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$1,000

**TOTAL**

\$95



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	18-Jul-2022	<b>Screening</b>	28-Jul-2022	<b>EPA Due</b>	
	<b>PCW</b>	3-Mar-2022				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Round Rock, City of Cedar Park, and City of Austin (PCW No. 5)
<b>Reg. Ent. Ref. No.</b>	RN100822600
<b>Facility/Site Region</b>	11-Austin
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>				
<b>Enf./Case ID No.</b>	59597	<b>No. of Violations</b>	1	
<b>Docket No.</b>	2020-0964-MLM-E	<b>Order Type</b>	Findings	
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes	
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Harley Hobson	
		<b>EC's Team</b>	Enforcement Team 1	
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$50,000
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	50.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$25,000
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<b>Notes</b>	Enhancement for ten months of self-reported effluent violations.
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<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondents do not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$5,000
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$79	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$2,100	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$70,000
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
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<b>Final Penalty Amount</b>	\$70,000
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$70,000
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<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	No deferral is recommended for Findings Orders.
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<b>PAYABLE PENALTY</b>	\$70,000
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**Screening Date** 28-Jul-2022

**Docket No.** 2020-0964-MLM-E

**PCW**

City of Round Rock, City of Cedar Park, and City of Austin (PCW No. 5)

**Respondent**

**Case ID No.** 59597

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

**Media** Water Quality

**Enf. Coordinator** Harley Hobson

*Policy Revision 5 (January 28, 2021)*

*PCW Revision February 11, 2021*

### Compliance History Worksheet

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

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	10	50%
	Other written NOVs	0	0%
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%
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)** 50%

#### >> 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 ten months of self-reported effluent violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 50%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 50%

Screening Date 28-Jul-2022 Docket No. 2020-0964-MLM-E

PCW

Respondent City of Round Rock, City of Cedar Park, and City of Austin (PCW No. 5)

Policy Revision 5 (January 28, 2021)

Case ID No. 59597

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100822600

Media Water Quality

Enf. Coordinator Harley Hobson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010264002, Permit Conditions No. 2.g

Violation Description Failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state. Specifically, on June 17, 2022 wastewater sewage discharged from a manhole and into Brushy Creek, killing approximately 250 fish.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 2

41 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$50,000

Two monthly events are recommended for the June 17, 2022 unauthorized discharge date to the July 28, 2022 screening date.

Good Faith Efforts to Comply

10.0%

Reduction \$5,000

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

Notes

The Respondents achieved compliance by March 31, 2023.

Violation Subtotal \$45,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$79

Violation Final Penalty Total \$70,000

This violation Final Assessed Penalty (adjusted for limits) \$70,000



# Economic Benefit Worksheet

**Respondent** City of Round Rock, City of Cedar Park, and City of Austin (PCW No. 5)  
**Case ID No.** 59597  
**Reg. Ent. Reference No.** RN100822600  
**Media Violation No.** Water Quality  
 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### 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
Remediation/Disposal	\$100	17-Jun-2022	17-Jun-2022	0.00	\$0	n/a	\$0
Remediation/Disposal	\$2,000	17-Jun-2022	31-Mar-2023	0.79	\$79	n/a	\$79
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

#### Notes for DELAYED costs

Estimated Remediation/Disposal cost to collect and properly dispose of the dead fish. The Date Required is the date the unauthorized discharge occurred, and the Final Date is the date of compliance.

Estimated Remediation/Disposal cost reinstall the manhole cover and clean and properly disinfect the affected area surrounding the manhole. The Date Required is the date the unauthorized discharge occurred, and the Final Date is the date of compliance.

### Avoided Costs

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

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

#### Notes for AVOIDED costs

Approx. Cost of Compliance \$2,100

**TOTAL** \$79

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.



# Compliance History Report

Compliance History Report for CN600413181, RN100822600, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

**Customer, Respondent, or Owner/Operator:** CN600413181, City of Round Rock      **Classification:** SATISFACTORY      **Rating:** 13.68  
**Regulated Entity:** RN100822600, BRUSHY CREEK REGIONAL EAST WWTP      **Classification:** SATISFACTORY      **Rating:** 0.87  
**Complexity Points:** 9      **Repeat Violator:** NO  
**CH Group:** 08 - Sewage Treatment Facilities  
**Location:** 3939 East Palm Valley Boulevard, in Round Rock, Williamson County Texas  
**TCEQ Region:** REGION 11 - AUSTIN

**ID Number(s):**

<b>PRETREATMENT</b> EPA ID TX0101940000	<b>PRETREATMENT</b> PERMIT WQ0010264002
<b>PRETREATMENT</b> EPA ID TX0075167	<b>STORMWATER</b> PERMIT TXR1536CI
<b>STORMWATER</b> PERMIT TXR05EN54	<b>WASTEWATER</b> PERMIT WQ0010264002
<b>WASTEWATER</b> AUTHORIZATION R10264002	<b>WASTEWATER</b> EPA ID TX0101940
<b>WASTEWATER</b> PERMIT TXG112710	

**Compliance History Period:** September 01, 2015 to August 31, 2020      **Rating Year:** 2020      **Rating Date:** 09/01/2020

**Date Compliance History Report Prepared:** May 10, 2021

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** May 10, 2016 to May 10, 2021

**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:**

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	May 18, 2016	(1347187)	Item 11	April 19, 2017	(1419080)
Item 2	June 27, 2016	(1353601)	Item 12	May 19, 2017	(1426728)
Item 3	August 23, 2016	(1367022)	Item 13	June 19, 2017	(1432729)
Item 4	September 22, 2016	(1373746)	Item 14	August 18, 2017	(1444965)
Item 5	October 24, 2016	(1379891)	Item 15	October 19, 2017	(1457426)
Item 6	November 18, 2016	(1385831)	Item 16	December 20, 2017	(1469291)
Item 7	December 19, 2016	(1391990)	Item 17	January 19, 2018	(1475983)
Item 8	January 20, 2017	(1398600)	Item 18	March 16, 2018	(1491836)
Item 9	February 17, 2017	(1405503)	Item 19	April 09, 2018	(1478113)
Item 10	March 20, 2017	(1412581)	Item 20	April 16, 2018	(1495126)

Item 21	May 18, 2018	(1502048)	Item 34	November 20, 2019	(1620482)
Item 22	June 19, 2018	(1509166)	Item 35	December 20, 2019	(1627833)
Item 23	July 20, 2018	(1515473)	Item 36	January 17, 2020	(1635460)
Item 24	September 19, 2018	(1528714)	Item 37	February 20, 2020	(1642077)
Item 25	September 24, 2018	(1521524)	Item 38	March 18, 2020	(1648590)
Item 26	October 19, 2018	(1535037)	Item 39	April 16, 2020	(1654943)
Item 27	November 20, 2018	(1542891)	Item 40	May 19, 2020	(1661504)
Item 28	January 18, 2019	(1564011)	Item 41	June 18, 2020	(1668037)
Item 29	February 19, 2019	(1564009)	Item 42	July 17, 2020	(1674983)
Item 30	March 20, 2019	(1564010)	Item 43	August 18, 2020	(1681752)
Item 31	April 19, 2019	(1573265)	Item 44	September 16, 2020	(1688330)
Item 32	June 20, 2019	(1586138)	Item 45	October 16, 2020	(1694687)
Item 33	October 18, 2019	(1614694)			

**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: 07/28/2020 (1652907)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 315, SubChapter A 315.1  
 40 CFR Chapter 403, SubChapter N, PT 403.8(f)(5)(ii)  
 Description: Failed to implement and enforce the pretreatment program.

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A



# Compliance History Report

Compliance History Report for CN600413181, RN100822600, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

**Customer, Respondent, or Owner/Operator:** CN600413181, City of Round Rock **Classification:** SATISFACTORY **Rating:** 9.58  
**Regulated Entity:** RN100822600, BRUSHY CREEK REGIONAL EAST WWTP **Classification:** SATISFACTORY **Rating:** 1.00  
**Complexity Points:** 9 **Repeat Violator:** NO  
**CH Group:** 08 - Sewage Treatment Facilities  
**Location:** 3939 East Palm Valley Boulevard, in Round Rock, Williamson County Texas  
**TCEQ Region:** REGION 11 - AUSTIN

**ID Number(s):**

**PRETREATMENT** EPA ID TX0101940000 **PRETREATMENT** PERMIT WQ0010264002  
**PRETREATMENT** EPA ID TX0075167 **STORMWATER** PERMIT TXR1536CI  
**STORMWATER** PERMIT TXR05EN54 **WASTEWATER** PERMIT WQ0010264002  
**WASTEWATER** AUTHORIZATION R10264002 **WASTEWATER** EPA ID TX0101940

**Compliance History Period:** September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022

**Date Compliance History Report Prepared:** April 14, 2023

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** April 14, 2018 to April 14, 2023

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

**Name:** Harley Hobson

**Phone:** (512) 239-1337

**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:**

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	April 16, 2018	(1495126)	Item 16	December 20, 2019	(1627833)
Item 2	May 18, 2018	(1502048)	Item 17	January 17, 2020	(1635460)
Item 3	June 19, 2018	(1509166)	Item 18	February 20, 2020	(1642077)
Item 4	July 20, 2018	(1515473)	Item 19	March 18, 2020	(1648590)
Item 5	September 19, 2018	(1528714)	Item 20	April 16, 2020	(1654943)
Item 6	September 24, 2018	(1521524)	Item 21	May 19, 2020	(1661504)
Item 7	October 19, 2018	(1535037)	Item 22	June 18, 2020	(1668037)
Item 8	November 20, 2018	(1542891)	Item 23	July 17, 2020	(1674983)
Item 9	January 18, 2019	(1564011)	Item 24	August 18, 2020	(1681752)
Item 10	February 19, 2019	(1564009)	Item 25	September 16, 2020	(1688330)
Item 11	March 20, 2019	(1564010)	Item 26	October 16, 2020	(1694687)
Item 12	April 19, 2019	(1573265)	Item 27	November 19, 2020	(1716657)
Item 13	June 20, 2019	(1586138)	Item 28	December 17, 2020	(1716658)
Item 14	October 18, 2019	(1614694)	Item 29	February 18, 2021	(1729739)
Item 15	November 20, 2019	(1620482)	Item 30	March 18, 2021	(1729740)

Item 31	April 12, 2021	(1729741)	Item 42	January 19, 2022	(1799906)
Item 32	May 19, 2021	(1742168)	Item 43	February 07, 2022	(1816599)
Item 33	June 18, 2021	(1748298)	Item 44	February 16, 2022	(1807739)
Item 34	August 12, 2021	(1760069)	Item 45	March 01, 2022	(1823037)
Item 35	October 20, 2021	(1778353)	Item 46	May 03, 2022	(1831868)
Item 36	October 25, 2021	(1780754)	Item 47	June 02, 2022	(1845333)
Item 37	November 16, 2021	(1770617)	Item 48	July 06, 2022	(1851862)
Item 38	November 17, 2021	(1793743)	Item 49	July 19, 2022	(1825950)
Item 39	November 18, 2021	(1785023)	Item 50	October 05, 2022	(1859279)
Item 40	December 18, 2021	(1792056)	Item 51	February 13, 2023	(1885283)
Item 41	January 03, 2022	(1809449)			

**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: 04/30/2022 (1830188)  
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: 05/31/2022 (1836498)  
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: 06/30/2022 (1843683)  
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: 07/31/2022 (1849845)  
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: 08/31/2022 (1857614)  
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: 09/30/2022 (1863968)  
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: 10/31/2022 (1870877)  
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: 11/30/2022 (1876734)  
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
  
- 9 Date: 12/31/2022 (1883544)  
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

10 Date: 01/31/2023 (1891358)  
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

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.



# Compliance History Report

Compliance History Report for CN600407951, RN100822600, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

**Customer, Respondent, or Owner/Operator:** CN600407951, City of Cedar Park **Classification:** SATISFACTORY **Rating:** 0.75  
**Regulated Entity:** RN100822600, BRUSHY CREEK REGIONAL EAST WWTP **Classification:** SATISFACTORY **Rating:** 0.87  
**Complexity Points:** 9 **Repeat Violator:** NO  
**CH Group:** 08 - Sewage Treatment Facilities  
**Location:** 3939 East Palm Valley Boulevard, in Round Rock, Williamson County Texas  
**TCEQ Region:** REGION 11 - AUSTIN

## ID Number(s):

<b>PRETREATMENT</b> EPA ID TX0101940000	<b>PRETREATMENT</b> PERMIT WQ0010264002
<b>PRETREATMENT</b> EPA ID TX0075167	<b>STORMWATER</b> PERMIT TXR1536CI
<b>STORMWATER</b> PERMIT TXR05EN54	<b>WASTEWATER</b> PERMIT WQ0010264002
<b>WASTEWATER</b> AUTHORIZATION R10264002	<b>WASTEWATER</b> EPA ID TX0101940
<b>WASTEWATER</b> PERMIT TXG112710	

**Compliance History Period:** September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

**Date Compliance History Report Prepared:** May 10, 2021

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** May 10, 2016 to May 10, 2021

## 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:

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	May 18, 2016	(1347187)	Item 11	April 19, 2017	(1419080)
Item 2	June 27, 2016	(1353601)	Item 12	May 19, 2017	(1426728)
Item 3	August 23, 2016	(1367022)	Item 13	June 19, 2017	(1432729)
Item 4	September 22, 2016	(1373746)	Item 14	August 18, 2017	(1444965)
Item 5	October 24, 2016	(1379891)	Item 15	October 19, 2017	(1457426)
Item 6	November 18, 2016	(1385831)	Item 16	December 20, 2017	(1469291)
Item 7	December 19, 2016	(1391990)	Item 17	January 19, 2018	(1475983)
Item 8	January 20, 2017	(1398600)	Item 18	March 16, 2018	(1491836)
Item 9	February 17, 2017	(1405503)	Item 19	April 09, 2018	(1478113)
Item 10	March 20, 2017	(1412581)			

Item 20	April 16, 2018	(1495126)	Item 33	October 18, 2019	(1614694)
Item 21	May 18, 2018	(1502048)	Item 34	November 20, 2019	(1620482)
Item 22	June 19, 2018	(1509166)	Item 35	December 20, 2019	(1627833)
Item 23	July 20, 2018	(1515473)	Item 36	January 17, 2020	(1635460)
Item 24	September 19, 2018	(1528714)	Item 37	February 20, 2020	(1642077)
Item 25	September 24, 2018	(1521524)	Item 38	March 18, 2020	(1648590)
Item 26	October 19, 2018	(1535037)	Item 39	April 16, 2020	(1654943)
Item 27	November 20, 2018	(1542891)	Item 40	May 19, 2020	(1661504)
Item 28	January 18, 2019	(1564011)	Item 41	June 18, 2020	(1668037)
Item 29	February 19, 2019	(1564009)	Item 42	July 17, 2020	(1674983)
Item 30	March 20, 2019	(1564010)	Item 43	August 18, 2020	(1681752)
Item 31	April 19, 2019	(1573265)	Item 44	September 16, 2020	(1688330)
Item 32	June 20, 2019	(1586138)	Item 45	October 16, 2020	(1694687)

**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: 07/28/2020 (1652907)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 315, SubChapter A 315.1  
 40 CFR Chapter 403, SubChapter N, PT 403.8(f)(5)(ii)  
 Description: Failed to implement and enforce the pretreatment program.

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A





# Compliance History Report

Compliance History Report for CN600407951, RN100822600, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

**Customer, Respondent, or Owner/Operator:** CN600407951, City of Cedar Park

**Classification:** SATISFACTORY

**Rating:** 0.71

**Regulated Entity:** RN100822600, BRUSHY CREEK REGIONAL EAST WWTP

**Classification:** SATISFACTORY

**Rating:** 1.14

**Complexity Points:** 9

**Repeat Violator:** NO

**CH Group:** 08 - Sewage Treatment Facilities

**Location:** 3939 East Palm Valley Boulevard, in Round Rock, Williamson County Texas

**TCEQ Region:** REGION 11 - AUSTIN

**ID Number(s):**

**PRETREATMENT** EPA ID TX0101940000

**PRETREATMENT** PERMIT WQ0010264002

**PRETREATMENT** EPA ID TX0075167

**STORMWATER** PERMIT TXR1536CI

**STORMWATER** PERMIT TXR05EN54

**WASTEWATER** PERMIT WQ0010264002

**WASTEWATER** AUTHORIZATION R10264002

**WASTEWATER** EPA ID TX0101940

**Compliance History Period:** September 01, 2017 to August 31, 2022

**Rating Year:** 2022

**Rating Date:** 09/01/2022

**Date Compliance History Report Prepared:** April 14, 2023

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** April 14, 2018 to April 14, 2023

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

**Name:** Harley Hobson

**Phone:** (512) 239-1337

**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:**

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	April 16, 2018	(1495126)	Item 17	January 17, 2020	(1635460)
Item 2	May 18, 2018	(1502048)	Item 18	February 20, 2020	(1642077)
Item 3	June 19, 2018	(1509166)	Item 19	March 18, 2020	(1648590)
Item 4	July 20, 2018	(1515473)	Item 20	April 16, 2020	(1654943)
Item 5	September 19, 2018	(1528714)	Item 21	May 19, 2020	(1661504)
Item 6	September 24, 2018	(1521524)	Item 22	June 18, 2020	(1668037)
Item 7	October 19, 2018	(1535037)	Item 23	July 17, 2020	(1674983)
Item 8	November 20, 2018	(1542891)	Item 24	August 18, 2020	(1681752)
Item 9	January 18, 2019	(1564011)	Item 25	September 16, 2020	(1688330)
Item 10	February 19, 2019	(1564009)	Item 26	October 16, 2020	(1694687)
Item 11	March 20, 2019	(1564010)	Item 27	November 19, 2020	(1716657)
Item 12	April 19, 2019	(1573265)	Item 28	December 17, 2020	(1716658)
Item 13	June 20, 2019	(1586138)	Item 29	February 18, 2021	(1729739)
Item 14	October 18, 2019	(1614694)	Item 30	March 18, 2021	(1729740)
Item 15	November 20, 2019	(1620482)	Item 31	April 12, 2021	(1729741)
Item 16	December 20, 2019	(1627833)	Item 32	May 19, 2021	(1742168)

Item 33	June 18, 2021	(1748298)	Item 43	February 07, 2022	(1816599)
Item 34	August 12, 2021	(1760069)	Item 44	February 16, 2022	(1807739)
Item 35	October 20, 2021	(1778353)	Item 45	March 01, 2022	(1823037)
Item 36	October 25, 2021	(1780754)	Item 46	May 03, 2022	(1831868)
Item 37	November 16, 2021	(1770617)	Item 47	June 02, 2022	(1845333)
Item 38	November 17, 2021	(1793743)	Item 48	July 06, 2022	(1851862)
Item 39	November 18, 2021	(1785023)	Item 49	July 19, 2022	(1825950)
Item 40	December 18, 2021	(1792056)	Item 50	October 05, 2022	(1859279)
Item 41	January 03, 2022	(1809449)	Item 51	February 13, 2023	(1885283)
Item 42	January 19, 2022	(1799906)			

**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: 04/30/2022 (1830188)  
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: 05/31/2022 (1836498)  
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: 06/30/2022 (1843683)  
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: 07/31/2022 (1849845)  
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: 08/31/2022 (1857614)  
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: 09/30/2022 (1863968)  
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: 10/31/2022 (1870877)  
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: 11/30/2022 (1876734)  
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
  
- 9 Date: 12/31/2022 (1883544)  
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

10 Date: 01/31/2023 (1891358)  
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

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# Compliance History Report

Compliance History Report for CN600135198, RN100822600, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

**Customer, Respondent, or Owner/Operator:** CN600135198, City of Austin **Classification:** SATISFACTORY **Rating:** 3.08  
**Regulated Entity:** RN100822600, BRUSHY CREEK REGIONAL EAST WWTP **Classification:** SATISFACTORY **Rating:** 0.87  
**Complexity Points:** 9 **Repeat Violator:** NO  
**CH Group:** 08 - Sewage Treatment Facilities  
**Location:** 3939 East Palm Valley Boulevard, in Round Rock, Williamson County Texas  
**TCEQ Region:** REGION 11 - AUSTIN

## ID Number(s):

**PRETREATMENT** EPA ID TX0101940000 **PRETREATMENT** PERMIT WQ0010264002  
**PRETREATMENT** EPA ID TX0075167 **STORMWATER** PERMIT TXR1536CI  
**STORMWATER** PERMIT TXR05EN54 **WASTEWATER** PERMIT WQ0010264002  
**WASTEWATER** AUTHORIZATION R10264002 **WASTEWATER** EPA ID TX0101940  
**WASTEWATER** PERMIT TXG112710

**Compliance History Period:** September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

**Date Compliance History Report Prepared:** May 10, 2021

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** May 10, 2016 to May 10, 2021

## 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:

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	May 18, 2016	(1347187)	Item 10	March 20, 2017	(1412581)
Item 2	June 27, 2016	(1353601)	Item 11	April 19, 2017	(1419080)
Item 3	August 23, 2016	(1367022)	Item 12	May 19, 2017	(1426728)
Item 4	September 22, 2016	(1373746)	Item 13	June 19, 2017	(1432729)
Item 5	October 24, 2016	(1379891)	Item 14	August 18, 2017	(1444965)
Item 6	November 18, 2016	(1385831)	Item 15	October 19, 2017	(1457426)
Item 7	December 19, 2016	(1391990)	Item 16	December 20, 2017	(1469291)
Item 8	January 20, 2017	(1398600)	Item 17	January 19, 2018	(1475983)
Item 9	February 17, 2017	(1405503)	Item 18	March 16, 2018	(1491836)

Item 19	April 09, 2018	(1478113)	Item 33	October 18, 2019	(1614694)
Item 20	April 16, 2018	(1495126)	Item 34	November 20, 2019	(1620482)
Item 21	May 18, 2018	(1502048)	Item 35	December 20, 2019	(1627833)
Item 22	June 19, 2018	(1509166)	Item 36	January 17, 2020	(1635460)
Item 23	July 20, 2018	(1515473)	Item 37	February 20, 2020	(1642077)
Item 24	September 19, 2018	(1528714)	Item 38	March 18, 2020	(1648590)
Item 25	September 24, 2018	(1521524)	Item 39	April 16, 2020	(1654943)
Item 26	October 19, 2018	(1535037)	Item 40	May 19, 2020	(1661504)
Item 27	November 20, 2018	(1542891)	Item 41	June 18, 2020	(1668037)
Item 28	January 18, 2019	(1564011)	Item 42	July 17, 2020	(1674983)
Item 29	February 19, 2019	(1564009)	Item 43	August 18, 2020	(1681752)
Item 30	March 20, 2019	(1564010)	Item 44	September 16, 2020	(1688330)
Item 31	April 19, 2019	(1573265)	Item 45	October 16, 2020	(1694687)
Item 32	June 20, 2019	(1586138)			

**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: 07/28/2020 (1652907)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 315, SubChapter A 315.1  
 40 CFR Chapter 403, SubChapter N, PT 403.403.8(f)(5)(ii)  
 Description: Failed to implement and enforce the pretreatment program.

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A



# Compliance History Report

Compliance History Report for CN600135198, RN100822600, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

**Customer, Respondent, or Owner/Operator:** CN600135198, City of Austin **Classification:** SATISFACTORY **Rating:** 3.38

**Regulated Entity:** RN100822600, BRUSHY CREEK REGIONAL EAST WWTP **Classification:** SATISFACTORY **Rating:** 1.14

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

**CH Group:** 08 - Sewage Treatment Facilities

**Location:** 3939 East Palm Valley Boulevard, in Round Rock, Williamson County Texas

**TCEQ Region:** REGION 11 - AUSTIN

**ID Number(s):**

**PRETREATMENT** EPA ID TX0101940000 **PRETREATMENT** PERMIT WQ0010264002  
**PRETREATMENT** EPA ID TX0075167 **STORMWATER** PERMIT TXR1536CI  
**STORMWATER** PERMIT TXR05EN54 **WASTEWATER** PERMIT WQ0010264002  
**WASTEWATER** AUTHORIZATION R10264002 **WASTEWATER** EPA ID TX0101940

**Compliance History Period:** September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022

**Date Compliance History Report Prepared:** April 14, 2023

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** April 14, 2018 to April 14, 2023

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

**Name:** Harley Hobson **Phone:** (512) 239-1337

**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:**

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	April 16, 2018	(1495126)	Item 17	January 17, 2020	(1635460)
Item 2	May 18, 2018	(1502048)	Item 18	February 20, 2020	(1642077)
Item 3	June 19, 2018	(1509166)	Item 19	March 18, 2020	(1648590)
Item 4	July 20, 2018	(1515473)	Item 20	April 16, 2020	(1654943)
Item 5	September 19, 2018	(1528714)	Item 21	May 19, 2020	(1661504)
Item 6	September 24, 2018	(1521524)	Item 22	June 18, 2020	(1668037)
Item 7	October 19, 2018	(1535037)	Item 23	July 17, 2020	(1674983)
Item 8	November 20, 2018	(1542891)	Item 24	August 18, 2020	(1681752)
Item 9	January 18, 2019	(1564011)	Item 25	September 16, 2020	(1688330)
Item 10	February 19, 2019	(1564009)	Item 26	October 16, 2020	(1694687)
Item 11	March 20, 2019	(1564010)	Item 27	November 19, 2020	(1716657)
Item 12	April 19, 2019	(1573265)	Item 28	December 17, 2020	(1716658)
Item 13	June 20, 2019	(1586138)	Item 29	February 18, 2021	(1729739)
Item 14	October 18, 2019	(1614694)	Item 30	March 18, 2021	(1729740)
Item 15	November 20, 2019	(1620482)	Item 31	April 12, 2021	(1729741)
Item 16	December 20, 2019	(1627833)	Item 32	May 19, 2021	(1742168)

Item 33	June 18, 2021	(1748298)	Item 43	February 07, 2022	(1816599)
Item 34	August 12, 2021	(1760069)	Item 44	February 16, 2022	(1807739)
Item 35	October 20, 2021	(1778353)	Item 45	March 01, 2022	(1823037)
Item 36	October 25, 2021	(1780754)	Item 46	May 03, 2022	(1831868)
Item 37	November 16, 2021	(1770617)	Item 47	June 02, 2022	(1845333)
Item 38	November 17, 2021	(1793743)	Item 48	July 06, 2022	(1851862)
Item 39	November 18, 2021	(1785023)	Item 49	July 19, 2022	(1825950)
Item 40	December 18, 2021	(1792056)	Item 50	October 05, 2022	(1859279)
Item 41	January 03, 2022	(1809449)	Item 51	February 13, 2023	(1885283)
Item 42	January 19, 2022	(1799906)			

**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: 04/30/2022 (1830188)  
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: 05/31/2022 (1836498)  
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: 06/30/2022 (1843683)  
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: 07/31/2022 (1849845)  
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: 08/31/2022 (1857614)  
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: 09/30/2022 (1863968)  
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: 10/31/2022 (1870877)  
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: 11/30/2022 (1876734)  
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
  
- 9 Date: 12/31/2022 (1883544)  
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

10 Date: 01/31/2023 (1891358)  
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 ROUND ROCK, CITY OF  
CEDAR PARK, AND CITY OF AUSTIN  
RN100822600

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2020-0964-MLM-E

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Round Rock, the City of Cedar Park, and the City of Austin (the "Respondents") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondents presented this Order to the Commission.

The Respondents understand that they have certain procedural rights at certain points in the enforcement process, including 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 Order, the Respondents agree to waive all notice and procedural rights.

It is further understood and agreed that 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. The duties and responsibilities imposed by this Order are binding upon the Respondents.

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

### I. FINDINGS OF FACT

1. The Respondents own and the City of Round Rock operates a wastewater treatment facility located at 3939 East Palm Valley Boulevard in Round Rock, 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. During an investigation at the Facility conducted May 20, 2020 through May 26, 2020, an investigator documented that:
  - a. The site map, materials inventory list, non-stormwater discharge assessment and certifications, annual comprehensive compliance inspection reports, a general location map of the Facility, a copy of the permit acknowledgment from the TCEQ, and a copy of the Multi-Sector General Permit were not provided as part of the Stormwater Pollution Prevention Plan ("SWP3"); and

- b. On June 23, 2019, a pump failure at the Facility's influent lift station resulted in the unauthorized discharge of approximately 100,000 gallons of untreated wastewater from a manhole into Brushy Creek, resulting in a fish kill.
3. During an investigation at the Facility conducted on December 15, 2021, an investigator documented that:
  - a. A grab sample collected during the investigation revealed the Respondents exceeded the permitted effluent limitation for *Escherichia coli* daily maximum concentration of 399 most probable number per 100 milliliters ("MPN/100 mL") with a result of 1,730 MPN/100 mL;
  - b. Effluent discharging into Brushy Creek was turbid in appearance, and wastewater sludge containing bloodworms was observed in Brushy Creek approximately 1.8 miles downstream of Outfall No. 001;
  - c. In Clarifier No. 2, one of the two skimmer arm assemblies was missing the skimmer component; and
  - d. Excessive floating solids were observed in Clarifier Nos. 1 and 2; wastewater exiting Clarifier No. 1 was turbid and brown in appearance; and wastewater exiting Clarifier Nos. 2, 3, and 4 was turbid in appearance.
4. During an investigation at the Facility conducted March 2, 2022 through March 4, 2022, an investigator documented that:
  - a. Wastewater solids were observed on the ground near the ultraviolet ("UV") disinfection system.
  - b. The Respondents did not collect 24-hour composite samples for analysis because the pump for the effluent composite sampler was not operational.
5. During an investigation at the Facility conducted on June 17, 2022, an investigator documented that wastewater discharged from a manhole and into Brushy Creek, killing approximately 250 fish.
6. The Executive Director recognizes that the Respondents have implemented the following corrective measures at the Facility:
  - a. By June 23, 2019, manually restarted the influent lift station's pumps, upgraded or replaced the uninterruptable power supplies for the influent lift station's computer system, re-grouted the manhole, and cleaned and disinfected the affected area.
  - b. By August 3, 2020, began maintaining a complete SWP3.
  - c. By June 17, 2022, collected and properly disposed of the dead fish resulting from the manhole discharge.

- d. By March 31, 2023, cleaned and properly disinfected the affected area around the manhole.
- e. By April 4, 2023, disposed of the wastewater solids and properly cleaned the affected area around the UV disinfection system.
- f. By May 2, 2023, removed and properly disposed of excessive floating solids from the Clarifier No. 1 and made the necessary repairs/adjustments to ensure that wastewater exiting Clarifier No. 1 was clear in appearance.
- g. By June 19, 2023, removed the wastewater sludge accumulations from the affected areas of Brushy Creek, from approximately 200 feet upstream of Outfall No. 001 to approximately 1.8 miles downstream of Outfall No. 001.
- h. By July 10, 2023, removed and properly disposed of excessive floating solids from the Clarifier No. 2 and made the necessary repairs/adjustments to ensure that wastewater exiting Clarifier No. 2 was clear in appearance.
- i. By July 10, 2023, removed and properly disposed of excessive floating solids from the Clarifier No. 4 and made the necessary repairs/adjustments to ensure that wastewater exiting Clarifier No. 4 was clear in appearance.
- j. By July 10, 2023, repaired/replaced the faulty pump for the effluent composite sampler.

## II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondents are subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondents failed to maintain a complete SWP3, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System (“TPDES”) General Permit No. TXR05EN54, Part III, Section A.1.
3. As evidenced by Finding of Fact No. 2.b, the Respondents failed to prevent an unauthorized discharge of wastewater into or adjacent to any water in the state, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010264002, Permit Conditions No. 2.g.
4. As evidenced by Finding of Fact No. 3.a, the Respondents failed to maintain compliance with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010264002, Interim I Effluent Limitations and Monitoring Requirements No. 1.
5. As evidenced by Finding of Fact No. 3.b, the Respondents failed to take all reasonable steps to minimize or prevent any discharge or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment, in violation of 30 TEX. ADMIN. CODE § 305.125(1), (4), and (5), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010264002, Permit Conditions No. 2.d.

6. As evidenced by Finding of Fact No. 3.c, the Respondents failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010264002, Operational Requirements No. 1.
7. As evidenced by Finding of Fact No. 3.d, the Respondents failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010264002, Operational Requirements No. 1.
8. As evidenced by Finding of Fact No. 4.a, the Respondents failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010264002, Permit Conditions No. 2.g.
9. As evidenced by Finding of Fact No. 4.b, the Respondents failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010264002, Operational Requirements No. 1.
10. As evidenced by Findings of Fact No. 5, the Respondents failed to prevent an unauthorized discharge of wastewater into or adjacent to any water in the state, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010264002, Permit Conditions No. 2.g.
11. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondents for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
12. An administrative penalty in the amount of \$355,980 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Pursuant to TEX. WATER CODE § 7.067, \$355,980 of the penalty shall be conditionally offset by the Respondents' timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A" - incorporated herein by reference). The Respondents' 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.

### III. ORDERING PROVISIONS

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

1. The Respondents are assessed a penalty as set forth in Conclusion of Law No. 12 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondents' compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be

constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Round Rock, City of Cedar Park, and City of Austin, Docket No. 2020-0964-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 Respondents are jointly and severally liable for the violations documented in this Order and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Order.
3. The Respondents implemented and completed the SEP as set forth in Conclusion of Law No. 12. The amount of \$355,980 of the assessed penalty is conditionally offset based on the Respondents' 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.
4. The Respondents shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order:
    - i. Make any necessary repairs/adjustments to ensure that wastewater exiting Clarifier No. 3 is clear in appearance; and
    - ii. Repair/replace the skimmer for the second skimmer arm assembly in Clarifier No. 2.
  - b. Within 45 days after the effective date of this Order, submit written certification of compliance with Ordering Provision Nos. 4.a.i and 4.a.ii, in accordance with Ordering Provision No. 4.e below.
  - c. Within 60 days after the effective date of this Order, complete construction of the two new/additional clarifiers and place the clarifiers online.
  - d. Within 75 days after the effective date of this Order, submit written certification of compliance with Ordering Provision No. 4.c, in accordance with Ordering Provision No. 4.e below.
  - e. Within 180 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010264002, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, and

include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be signed by the Respondents and shall include the following certification language:

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

The certification shall be submitted to:

Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

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

5. All relief not expressly granted in this Order is denied.
6. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondents. The Respondents are ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
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 Respondents shall be made in writing to the Executive Director. Extensions are not effective until the Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondents have not complied with one or more of the terms in this Order.
9. 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.

10. This Order, issued by the Commission, shall not be admissible against the Respondents in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this 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.
11. 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.
12. 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

  
-----  
For the Executive Director

-----  
2/14/2024  
-----  
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.

Michael Thane, P.E.  
-----  
Signature

12/26/2023  
-----  
Date

Michael Thane, P.E.  
-----  
Name (Printed or typed)  
Authorized Representative of  
City of Round Rock

Director of Utilities  
-----  
Title

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

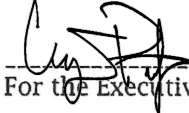


SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



2/14/2024

For the Executive Director

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.

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- 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.



12-19-23

Signature

Date

Eric Rauschuber

Director of Public Works

Name (Printed or typed)  
Authorized Representative of  
City of Cedar Park

Title


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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

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Date

  
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2/14/2024  
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For the Executive Director

Date

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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.

  
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Signature

12/21/2023  
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Date

Shay Ralls Roalson, P.E.  
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Director, Austin Water  
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Name (Printed or typed)  
Authorized Representative of  
City of Austin

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: 2020-0964-MLM-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondents:</b>	City of Round Rock, City of Cedar Park, and City of Austin
<b>Penalty Amount:</b>	\$355,980
<b>SEP Offset Amount:</b>	\$355,980
<b>Type of SEP:</b>	Compliance
<b>Project Name:</b>	<i>Clarifier Additions</i>
<b>Location of SEP:</b>	Williamson County

The Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order in exchange for the Respondents’ performance of a Supplemental Environmental Project (“SEP”).

Respondents are Local Governments that qualify under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at their wastewater treatment facility (the “Facility”), which is described in this Agreed Order.

**1. Project Description**

*A. Project*

Respondents hired a contractor to install an additional clarifier and its components at the Facility. Specifically, the SEP Offset Amount was used for materials, supplies, and equipment for the construction of a new clarifier (the “Project”). Respondents hired qualified contractors to perform the Project. The SEP was performed in accordance with all federal, state, and local environmental laws and regulations.

Respondents used the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed below in Subsection C. Expenses. No portion of the SEP Offset Amount was spent on administrative costs, including operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondents’ signatures affixed to the attached Agreed Order certify that Respondents had no prior commitment to perform this Project and that the SEP was performed solely as part of the terms of settlement in this enforcement action.

*B. Environmental Benefit*

This SEP will provide a discernible environmental benefit by improving Facility’s treatment capacity and therefore the quality of wastewater effluent being released into the environment. Inadequately treated effluent can carry bacteria, viruses, protozoa (parasitic organisms), helminths (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. Additional risks include occurrences of low dissolved oxygen, fish kills, algal bloom, and bacterial contamination in waterways.

*C. Expenses*

Respondents spent at least the SEP Offset Amount to complete the project described in Section 1.A, above, and complied with all other provisions of this SEP. Respondents understood that they may have costs more than the SEP Offset Amount to complete the Project.

**Expenses**

<b>Item</b>	<b>Total</b>
New Clarifier "Clarifier 5"	\$2,282,000
<b>Total</b>	<b>\$2,282,000</b>

**2. Records**

As of October 24, 2023, Respondents provided TCEQ the following documentation as proof of completion of the proposed SEP:

1. An itemized list of expenditures and total cost of the Project;
2. Copies of invoices or receipts corresponding to the itemized list in paragraph 2.1., above;
3. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 2.1., above;
4. A certified statement of SEP completion and document authentication;
5. A detailed map showing the specific location of the project site(s); and
6. Photographs of the completed Project.

**3. Additional Information and Access**

Respondents shall provide additional information as requested by TCEQ staff and shall allow immediate (i.e., within 24 hours) access to all records related to the SEP Offset Amount. Respondents shall also allow representatives of 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.

**4. Failure to Fully Perform**

If Respondents do not perform their obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 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 Respondents failed to fully implement and complete the Project, Respondents 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, Respondents 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 the SEP Coordinator at the address provided below:

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

**5. Publicity**

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

**6. Recognition**

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

**7. 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 Respondents under any other Agreed Order negotiated with TCEQ or any other agency of the state or federal government.