**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 - WO 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

### 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 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].

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;

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.

### **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

Normania of	Policy Rev	Pe rision 4 (April 2014)	nalty Ca	alculatio	n Worksł	neet (PC		Revision March	26, 2014
DATES	Assigned PCW	22-Jun-2020 5-Aug-2022	Screening	9-1ul-2020	EPA Due				
RESPO		TY INFORMATIO					,		
		City of Round Ro		dar Park, and (	<u>City of Austin (P</u>	CW No. 1)			
	ty/Site Region				Major/M	linor Source	Minor		
CASE I	NFORMATION								
En	f./Case ID No. Docket No	59597 2020-0964-MLM-	·F		No. (	of Violations Order Type			
Med	lia Program(s)	Water Quality				t/Non-Profit	Yes		
	Multi-Media	Water Quality			Enf.		Harley Hobson Enforcement T		
Adr	min. Penalty \$	Limit Minimum	\$0 I	Maximum	\$25,000				
			Penalt	y Calcula	tion Section	on			
ΤΟΤΑΙ	L BASE PENA	LTY (Sum of	violation b	oase penalt	ies)		Subtotal 1		\$250
ADJU	STMENTS (+	/-) TO SUBTC	TAL 1						
	Subtotals 2-7 are of Compliance Hi	tained by multiplying story	the Total Base Pe	enalty (Subtotal 1) 2.0%	) by the indicated p Adjustment		tals 2, 3, & 7		\$5
	Notes	Enhan	cement for on	e NOV with di	ssimilar violatio	ns.			
	Culpability	No		0.0%	Enhancement		Subtotal 4		\$0
	Notes	The Re	espondents do	not meet the	culpability crite	ria.			
			opendende de		ou.p, e				
	Good Faith Effe	ort to Comply To	otal Adjustm	ents			Subtotal 5		-\$25
	Economic Bene Estimated	Total EB Amounts Cost of Compliance	\$5 \$500		Enhancement* d at the Total EB \$ ,	Amount	Subtotal 6		\$0
SUM C	OF SUBTOTA	LS 1-7				F	inal Subtotal		\$230
OTHE	R FACTORS A	S JUSTICE M	AY REOUTI	RF	0.0%		Adjustment		\$0
		Subtotal by the indic							<i></i>
	Notes								
						Final Per	alty Amount		\$230
STATI	<b>ITORY I TMT</b>		т			Final Asse	ssed Penalty		\$230
		Abjestifizi	•			i mai Asse			
DEFEF Reduces t		nalty by the indicated	percentage.		0.0%	Reduction	Adjustment		\$0
	Notes			mmended for	Findings Orders	5.			
		-					J		
PAYA	BLE PENALT								\$230

		Final Adjustment Percent	age *capped a	at 100%	2%
>> Fina	l Compliance	History Adjustment			270
		Total Compliance History Adjustment Percentage (S	Subtotals 2,	3, & 7) [	2%
	Compliance History Notes	Enhancement for one NOV with dissimilar violations.			
>> Co	mpliance Histo		5 - (	<i>2</i> L	
	Satisfactory I		centage (Sub	total 7) [	0%
>> Co		bry Person Classification (Subtotal 7)	centage (Sab		0 /0
	No	Adjustment Per	centage (Sub	total 3) [	0%
>> Re	peat Violator (	(Subtotal 3)	centage (Sub	total 2) [	2%
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	
		Participation in a voluntary pollution reduction program	No	0%	
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
		Environmental management systems in place for one year or more	No	0%	
	Addits	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%	
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%	
	Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%	
	Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%	
	and Consent Decrees	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%	
	Judgments	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%	
	Orders 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%	
		Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%	
		Other written NOVs	1	2%	

Screening Date 9-Jul-2020 City of Round Rock, City of Cedar Park, and City of Austin (PCW No. 1)

Respondent

Component

NOVs

**Case ID No.** 59597 Reg. Ent. Reference No. RN100822600

Media Water Quality

Enf. Coordinator Harley Hobson

Number of...

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

Written notices of violation ("NOVs") with same or similar violations as those in the

current enforcement action (number of NOVs meeting criteria)

Docket No. 20	020-0964-MLM-E
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Policy Revision 4 (April 2014) PCW Revision March 26, 2014

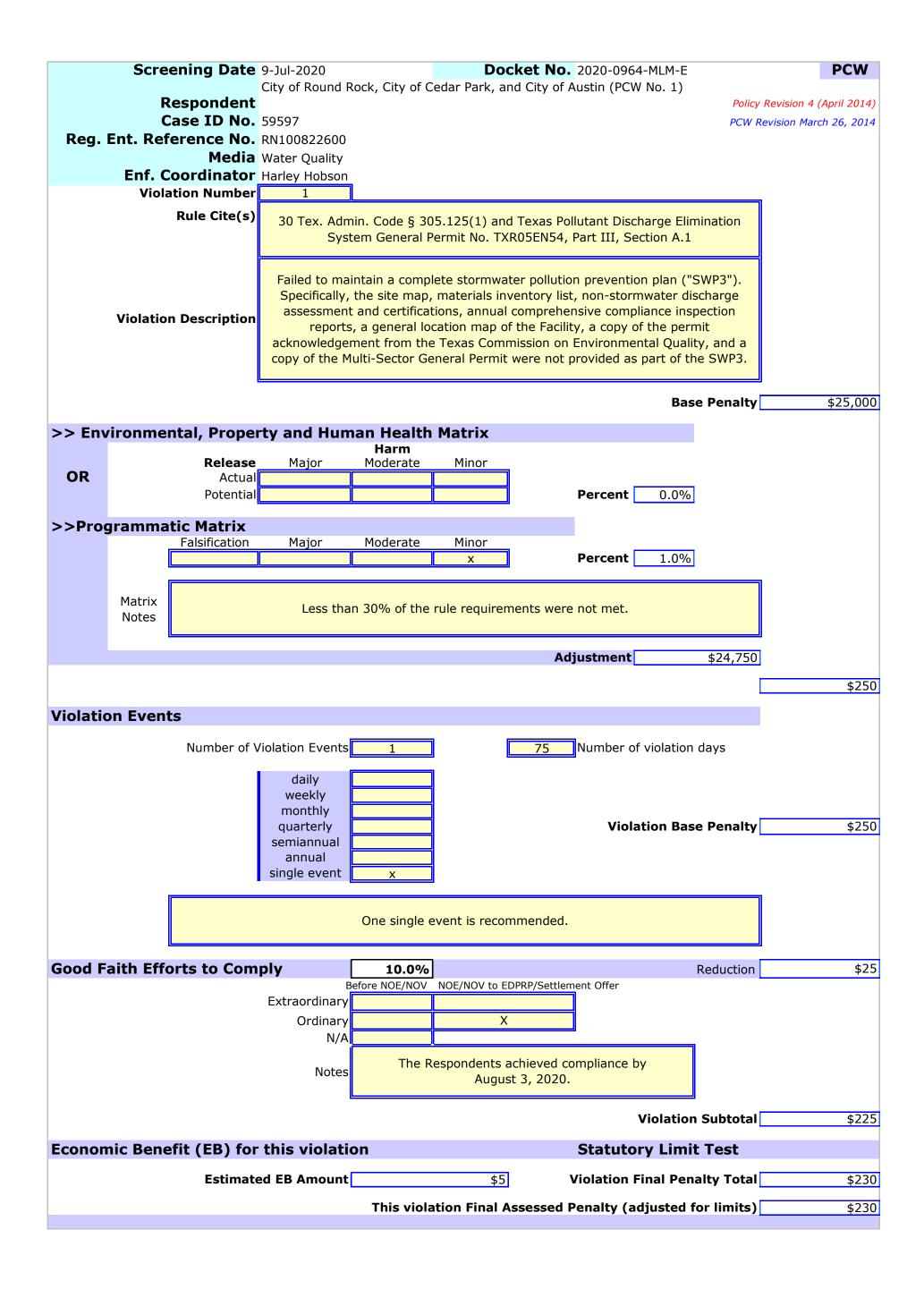
Adjust.

0%

Number

0





	E	conomic	Benefit	Wo	r <b>ksheet</b>		
Respondent	City of Round	Rock, City of Ceda	ar Park, and Cit	v of Au	stin (PCW No. 1)		
Case ID No.				, or , ia.			
leg. Ent. Reference No.							
							Verveef
	Water Quality					<b>Percent Interest</b>	Years of
Violation No.	1						Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	EB Amount
Item Description		•					
Delayed Costs							
Equipment	<b>I</b>	<u>,                                     </u>		0.00	\$0	\$0	\$0
Buildings		╬━━━━━╋		0.00	\$0	\$0	<u> </u>
Other (as needed)	-			0.00	\$0	\$0	<u> </u>
Engineering/Construction				0.00	<u>\$0</u>	\$0	<u>\$0</u> \$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
<b>Remediation/Disposal</b>				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 Re			•	taining a complete I Date is the comp	e SWP3. The Date F pliance date.	equired is the
Avoided Costs	ANNUA	LIZE avoided co	osts before er	tering	item (except for	r one-time avoide	d 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)		<u>  </u>		0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Policy Rev	Pe rision 4 (April 2014)	nalty Calcı	ulatio	n Worksh	neet (PC	-	Revision March 26, 2014
DATES Assigned PCW	22-Jun-2020 5-Aug-2022	Screening 9-J	ul-2020	EPA Due			
RESPONDENT/FACILI							
	City of Round Ro	ck, City of Cedar P	ark, and C	City of Austin (P	CW No. 2)		
Facility/Site Region				Major/M	linor Source	Major	
CASE INFORMATION							
Enf./Case ID No.	59597 2020-0964-MLM-	.F		No. (	of Violations Order Type		
Media Program(s)	Water Quality	L			t/Non-Profit	Yes	
Multi-Media	Water Quality			Enf.		Harley Hobson Enforcement T	
Admin. Penalty \$ I	_imit Minimum	\$0 <b>Maxi</b>	mum	\$25,000			
		Penalty C	alculat	tion Section	on		
TOTAL BASE PENA	LTY (Sum of	violation base	e penalt	ies)		Subtotal 1	\$25,000
ADJUSTMENTS (+)	/-) TO SUBTO	TAL 1					
Subtotals 2-7 are ob Compliance His		the Total Base Penalty	(Subtotal 1) 2.0%	by the indicated pe Adjustment		tals 2, 3, & 7	\$500
Notes	Enhan	cement for one NC	)V with dis	similar violation	ns.		
Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
Notes	The Re	espondents do not	meet the o	culpability crite	ria.		
Good Faith Effe	ort to Comply To	otal Adjustments	:			Subtotal 5	-\$6,250
Economic Bene	sfit		0.0%	Enhancement*		Subtotal 6	\$0
	Total EB Amounts Cost of Compliance	\$0 \$3,500		at the Total EB \$ /	Amount	Subtotal	<del>پ</del> و
SUM OF SUBTOTAL	· •	43,300			-	inal Subtotal	\$19,250
SUM OF SUBIUTAI	_3 1-7				F	indi Subloldi	\$19,230
OTHER FACTORS A Reduces or enhances the Final				0.0%		Adjustment	\$0
		ated percentage.				]	
Notes							
					Final Per	nalty Amount	\$19,250
STATUTORY LIMIT	ADJUSTMEN	IT			Final Asse	ssed Penalty	\$19,250
DEFERRAL				0.0%	Reduction	Adjustment	\$0
Reduces the Final Assessed Pe	nalty by the indicated	percentage.				]	
Notes	No d	eferral is recomme	ended for I	Findings Orders	5.		
PAYABLE PENALTY	(						\$19,250

	Compliance	Final Adjustment Percent	age *capped	at 100%	2%			
>> Fina	l Compliance	<i>Total Compliance History Adjustment Percentage (</i> History Adjustment	Subtotals 2,	3, & 7)	2%			
	Compliance       Enhancement for one NOV with dissimilar violations.         Notes       Notes							
>> Co	mpliance Histo	ory Summary		-				
	Satisfactory		rcentage (Sub	total 7)	0%			
>> Co		bry Person Classification (Subtotal 7)	2 ,	2				
	No	Adjustment Per	rcentage (Sub	total 3)	0%			
>> Re	peat Violator (	Adjustment Per	rcentage (Sub	total 2)	2%			
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%				
		Participation in a voluntary pollution reduction program	No	0%				
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%				
		Environmental management systems in place for one year or more	No	0%				
	Addits	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%				
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%				
	Emissions	Chronic excessive emissions events (number of events)	0	0%				
	Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%				
	and Consent Decrees	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%				
	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%				
	Orders	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%				
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)		0%				
		Other written NOVs	1	2%				

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

Respondent **Case ID No.** 59597

NOVs

Reg. Ent. Reference No. RN100822600

Screening Date 9-Jul-2020

Media Water Quality

Enf. Coordinator Harley Hobson

## **Compliance History Worksheet**

### >> Compliance History *Site* Enhancement (Subtotal 2) Component Number of...

Number

0

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

Adjust.

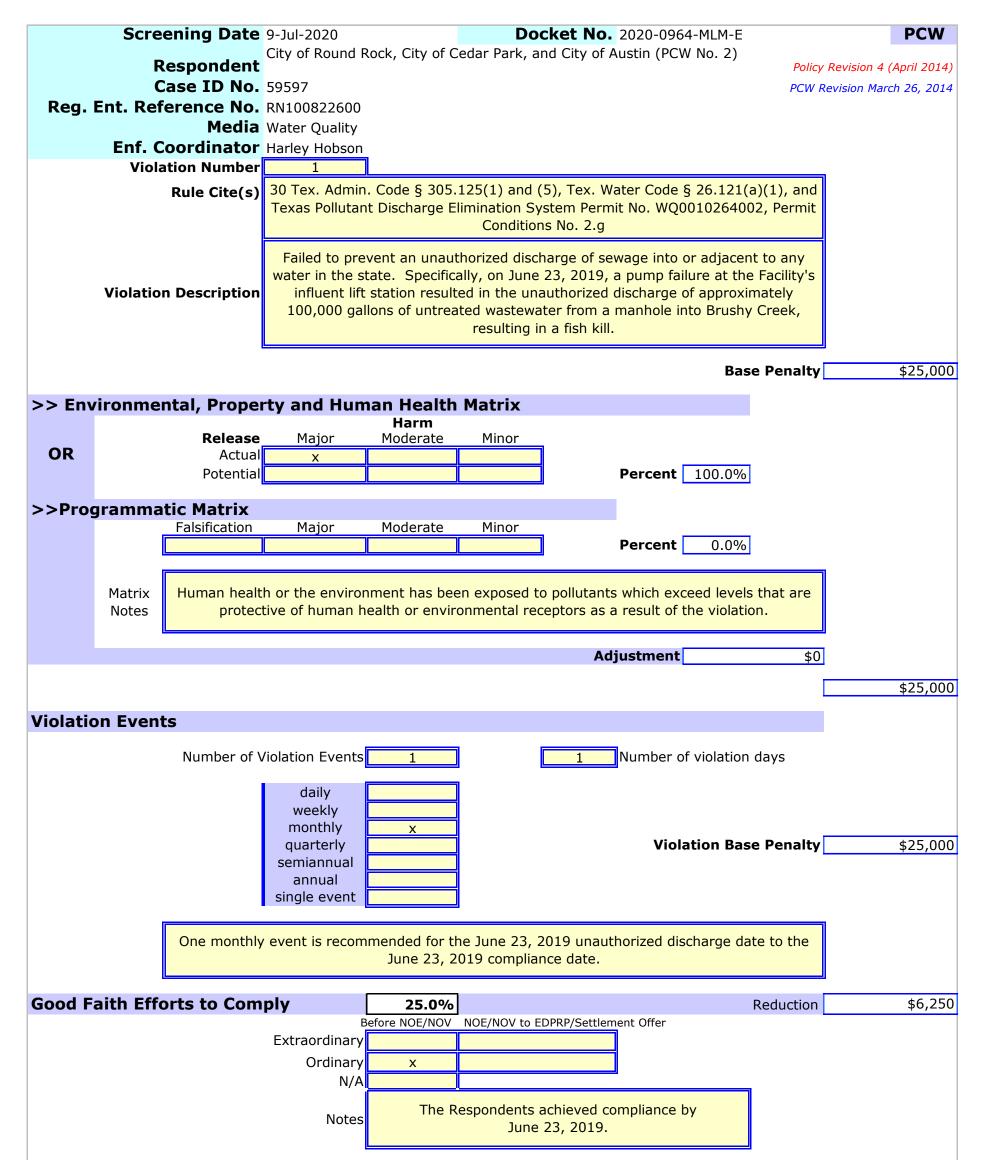
0%



Written notices of violation ("NOVs") with same or similar violations as those in the

current enforcement action (number of NOVs meeting criteria)

### **PCW**



	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

	E	conomic	Benefit	Wo	rksheet		
		Rock, City of Ceda	ar Park, and Cit	y of Au	stin (PCW No. 2)		
Case ID No.							
Reg. Ent. Reference No.							
	Water Quality					<b>Percent Interest</b>	Years of
Violation No.	1						Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
<b>Engineering/Construction</b>				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
<b>Record Keeping System</b>				0.00	\$0	n/a	\$0
Training/Sampling	<u> </u>	<u> </u>		0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs Other	\$3,500	23-Jun-2019	23-Jun-2019	0.00	<u>\$0</u> \$0	n/a n/a	<u>\$0</u> \$0
Notes for DELAYED costs		•	ie Date Require	d is the		ut the manhole, and rized discharge occu	
Avoided Costs	ANNU/	LIZE avoided co	osts before er	tering	item (except for	r one-time avoide	d costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	
	1	1 1		0.00			\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	<u>\$0</u> \$0
<b>Financial Assurance</b>				0.00 0.00 0.00	\$0 \$0	\$0 \$0	\$0 \$0 \$0
Supplies/Equipment Financial Assurance ONE-TIME avoided costs				0.00 0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 <b>\$</b> 0	\$0 \$0 \$0 <b>\$</b> 0
Supplies/Equipment Financial Assurance				0.00 0.00 0.00	\$0 \$0	\$0 \$0	\$0 \$0 \$0
Supplies/Equipment Financial Assurance ONE-TIME avoided costs				0.00 0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 <b>\$</b> 0	\$0 \$0 \$0 \$0 \$0

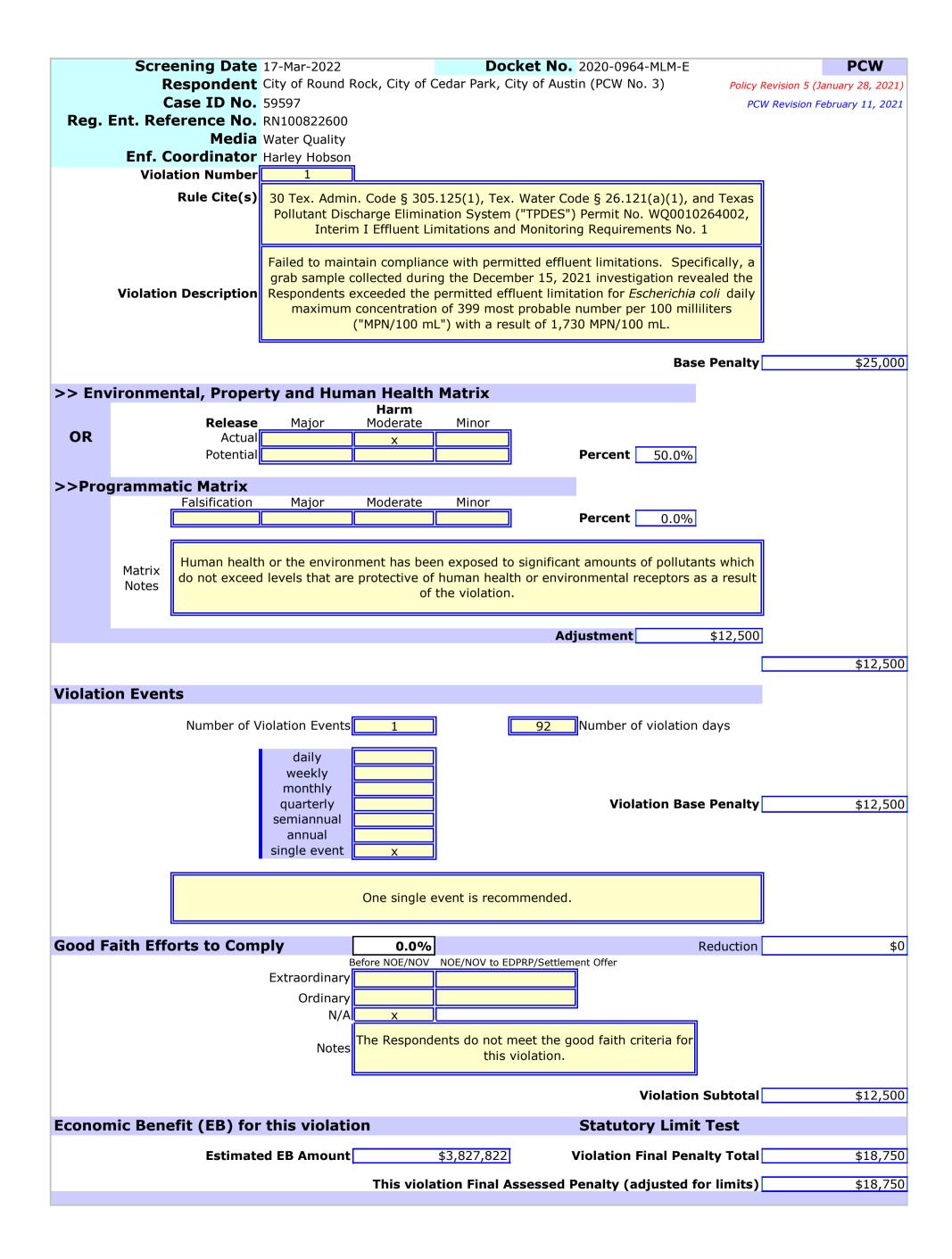
THE DAMENTAL O	Policy Revi	Pe ision 5 (January 28, 2	•	lculatio	n Worksł	neet (PC	•	vision February 11, 2021
DATES	Assigned PCW	7-Mar-2022 8-Aug-2022	Screening 1	7-Mar-2022	EPA Due		]	
RESPO								
	g. Ent. Ref. No.		CK, CITY of Ced	ar Park, City				
	ty/Site Region	11-Austin			Major/M	linor Source	Major	
	NFORMATION f./Case ID No.		_		No. c	of Violations		
Med	Docket No. lia Program(s)	2020-0964-MLM Water Quality	-E		Government		Yes	
	Multi-Media				Enf.		Harley Hobson Enforcement T	
Adı	min. Penalty \$ I	Limit Minimum	\$0 <b>M</b>	laximum	\$25,000			
			Penalty	<sup>,</sup> Calcula	tion Section	on		
ΤΟΤΑ	L BASE PENA	LTY (Sum of	violation b	ase penal	ties)		Subtotal 1	\$157,500
ADJU	STMENTS (+)	/-) TO SUBTO	<b>)TAL 1</b>	alty (Subtotal 1	) by the indicated p	orcontago		
	Compliance His			<b>50.0%</b>	Adjustment		tals 2, 3, & 7	\$78,750
	Notes	Enhancemer	nt for ten mont	hs of self-rep	orted effluent v	iolations.		
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
	Notes	The Re	espondents do i	not meet the	culpability crite	ria.		
	Good Faith Effe	ort to Comply T	otal Adjustme	ents			Subtotal 5	-\$10,000
	Economic Bene	efit		0.0%	Enhancement*		Subtotal 6	\$0
	Estimated	Total EB Amounts Cost of Compliance		*Cappe	ed at the Total EB \$ /	Amount		·
SUM (	OF SUBTOTAI	LS 1-7				F	inal Subtotal	\$226,250
		Subtotal by the indic		E	0.0%		Adjustment	\$0
Reduces (			ateu percentage.					
	Notes							+226 252
							alty Amount	\$226,250
STATI	JTORY LIMIT		IT			Final Asse	ssed Penalty	\$226,250
<b>DEFER</b>		nalty by the indicated	percentage		0.0%	Reduction	Adjustment	\$0
	Notes			nmended for	Findings Orders	s.		
ΡΑΥΑ	BLE PENALT	Y					J	\$226,250

	<b>espondent</b> City of Round Rock, City of Cedar Park, City of Austin (PCW No. 3) <b>ISE ID No.</b> 59597		ision 5 (January 28, 2
	rence No. RN100822600	PCW R	evision February 11, .
Reg. Liit. Reie	Media Water Quality		
Enf Co	ordinator Harley Hobson		
> Compliance His	Compliance History Worksheet tory 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> )		50%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	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%
Judgments and Consent	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%
Decrees	final court judgments or consent decrees without a denial of liability, of this state or the federal government		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 (number of audits for which notices were submitted)	0	0%
Addits	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%
	Environmental management systems in place for one year or more	No	0%
Other	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 Per	rcentage (Sul	<b>btotal 2)</b> 50°
> Repeat Violator	r (Subtotal 3)		
N		rcentage (Sul	btotal 3) 0%
	tory Person Classification (Subtotal 7) Performer Adjustment Per	rcentare (Sul	btotal 7) 09
		centage (Sul	
Compliance His	tory 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	e History Adjustment		
pharter	Final Adjustment Percent	age *canned	at 100% 50°

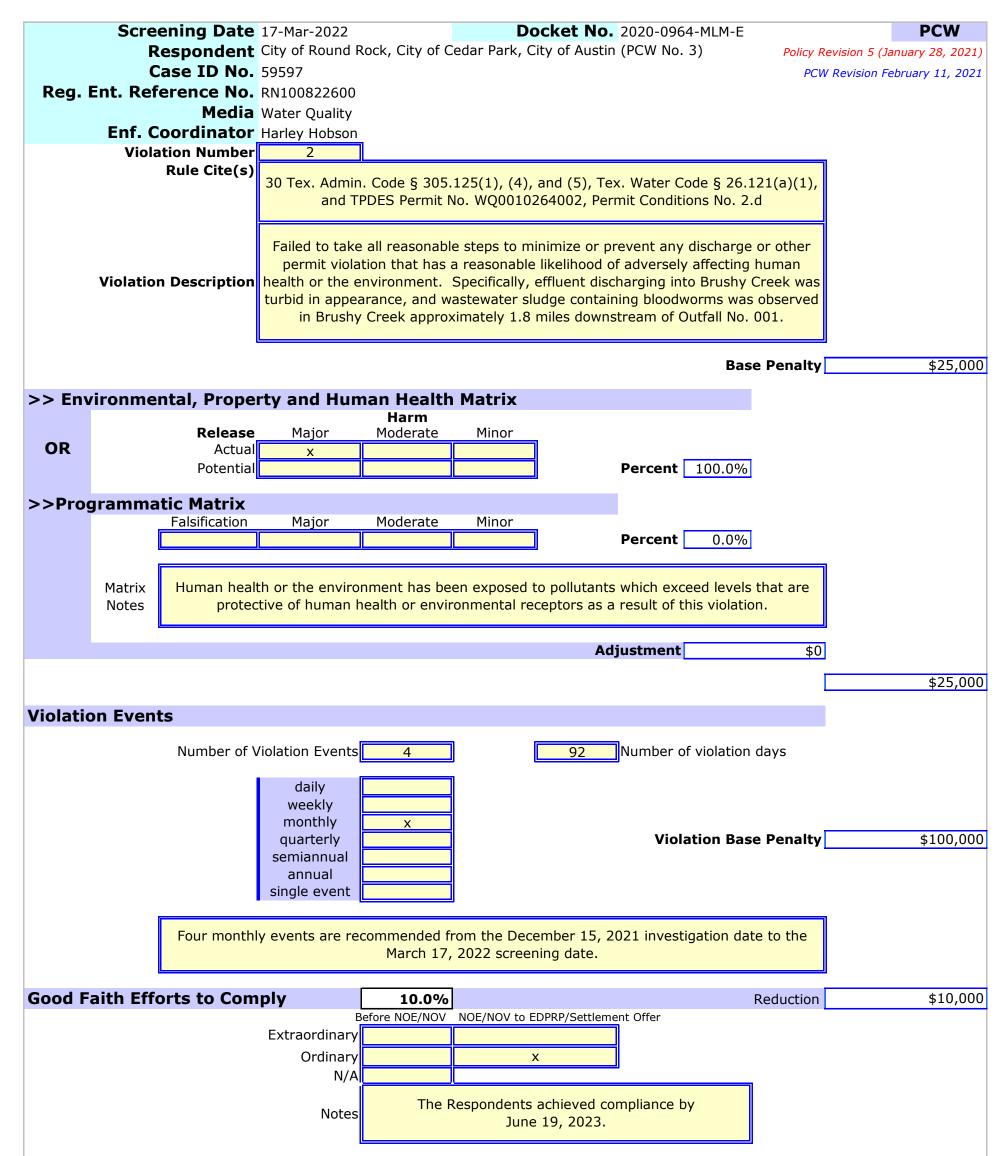
**Docket No.** 2020-0964-MLM-E

Screening Date 17-Mar-2022

PCW



	E	conomic	Deneni		ksneel		
Respondent Case ID No. Reg. Ent. Reference No.	59597	Rock, City of Ced	ar Park, City of	Austin (	PCW No. 3)		
-	Water Quality					Percent Interest	Years of Depreciation
						5.0	•
		Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs	[ <del></del>	1					
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)		15-Dec-2021	27-Nov-2023	0.00	<u>\$0</u> \$182,064	<u>\$0</u> \$3,641,279	\$0
Engineering/Construction Land	\$28,000,000	15-Dec-2021	<u> 27-INOV-2023</u>	0.00	\$182,064 \$0	\$3,641,279 n/a	\$3,823,343
Record Keeping System				0.00	\$0	n/a	\$0 \$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0 \$0	n/a	\$0
Permit Costs				I 0.00	50	n/a	50
Permit Costs Other (as needed)	Phase II Con	struction Project,	, scheduled for c	ompleti	on in summer 202	n/a n/a clarifiers, included ir 3; and place the cla	arifiers online.
Other (as needed) Notes for DELAYED costs	Estimated E Phase II Con The Date R Estimated cos Facility, a	ingineering/Const struction Project, Required is the inv t to determine th nd achieve comp investigation da	truction cost to f , scheduled for c vestigation date ne cause of nonc liance with the p ate, and the Fina	0.90 inish co ompleti , and th omplian permitte al Date	\$4,479 nstruction of the c on in summer 202 e Final Date is the ce, make any nec d effluent limitatio is the estimated da	n/a clarifiers, included in 3; and place the cla estimated date of essary repairs/adju ons. The Date Requ ate of compliance.	\$4,479 n the Interim arifiers online. compliance. stments to the uired is the
Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated E Phase II Con The Date R Estimated cos Facility, a	ingineering/Const struction Project, Required is the inv t to determine th nd achieve comp investigation da	truction cost to f , scheduled for c vestigation date ne cause of nonc liance with the p ate, and the Fina	0.90 inish co ompleti , and th omplian permitte al Date <b>tering</b>	\$4,479 nstruction of the c on in summer 202 e Final Date is the ce, make any nec d effluent limitatio is the estimated da item (except for	n/a clarifiers, included ir 3; and place the cla estimated date of essary repairs/adju ons. The Date Requ ate of compliance.	\$4,479 In the Interim arifiers online. compliance. Istments to the uired is the <b>d costs)</b>
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated E Phase II Con The Date R Estimated cos Facility, a	ingineering/Const struction Project, Required is the inv t to determine th nd achieve comp investigation da	truction cost to f , scheduled for c vestigation date ne cause of nonc liance with the p ate, and the Fina	0.90 inish co ompleti , and th omplian permitte al Date <b>tering</b> 0.00	\$4,479 nstruction of the c on in summer 202 e Final Date is the ce, make any nec d effluent limitatio is the estimated da item (except for \$0	n/a clarifiers, included in 3; and place the cla estimated date of essary repairs/adju ons. The Date Requ ate of compliance.	\$4,479 In the Interim arifiers online. compliance. Istments to the uired is the <b>d costs)</b> \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated E Phase II Con The Date R Estimated cos Facility, a	ingineering/Const struction Project, Required is the inv t to determine th nd achieve comp investigation da	truction cost to f , scheduled for c vestigation date ne cause of nonc liance with the p ate, and the Fina	0.90 inish co ompleti , and th omplian permitte al Date tering 0.00	\$4,479 nstruction of the c on in summer 202 e Final Date is the ce, make any nec d effluent limitatio is the estimated da item (except for \$0 \$0	n/a clarifiers, included in 3; and place the cla estimated date of essary repairs/adju ons. The Date Requ ate of compliance.	\$4,479 the Interim arifiers online. compliance. stments to the ured is the <b>d costs)</b> \$0 \$0
Other (as needed) Notes for DELAYED costs <b>Avoided Costs</b> Disposal Personnel Inspection/Reporting/Sampling	Estimated E Phase II Con The Date R Estimated cos Facility, a	ingineering/Const struction Project, Required is the inv t to determine th nd achieve comp investigation da	truction cost to f , scheduled for c vestigation date ne cause of nonc liance with the p ate, and the Fina	inish co ompleti , and th omplian permitte al Date tering 0.00 0.00	\$4,479 nstruction of the c on in summer 202 e Final Date is the ce, make any nec d effluent limitatio is the estimated da item (except for \$0 \$0 \$0	n/a clarifiers, included in 3; and place the cla estimated date of essary repairs/adju ons. The Date Requ ate of compliance. one-time avoide \$0 \$0 \$0	\$4,479 the Interim arifiers online. compliance. stments to the ured is the <b>d costs)</b> \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs <b>Avoided Costs</b> Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment	Estimated E Phase II Con The Date R Estimated cos Facility, a	ingineering/Const struction Project, Required is the inv t to determine th nd achieve comp investigation da	truction cost to f , scheduled for c vestigation date ne cause of nonc liance with the p ate, and the Fina	inish co ompleti , and th omplian permitte al Date tering 0.00 0.00 0.00	\$4,479 nstruction of the c on in summer 202 e Final Date is the ce, make any nec d effluent limitatio is the estimated da item (except for \$0 \$0 \$0 \$0 \$0	n/a larifiers, included ir 3; and place the cla estimated date of essary repairs/adju ons. The Date Requ ate of compliance. one-time avoide \$0 \$0 \$0 \$0 \$0	\$4,479 the Interim arifiers online. compliance. stments to the uired is the <b>d costs)</b> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs <b>Avoided Costs</b> Disposal Personnel Inspection/Reporting/Sampling	Estimated E Phase II Con The Date R Estimated cos Facility, a	ingineering/Const struction Project, Required is the inv t to determine th nd achieve comp investigation da	truction cost to f , scheduled for c vestigation date ne cause of nonc liance with the p ate, and the Fina	inish co ompleti , and th omplian permitte al Date tering 0.00 0.00 0.00 0.00	\$4,479 nstruction of the c on in summer 202 e Final Date is the ce, make any nec d effluent limitatio is the estimated da item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a larifiers, included in 3; and place the cla estimated date of essary repairs/adju ons. The Date Requ ate of compliance. <b>one-time avoide</b> \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$4,479 the Interim arifiers online. compliance. stments to the ured is the <b>d costs)</b> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs <b>Avoided Costs</b> Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	Estimated E Phase II Con The Date R Estimated cos Facility, a	ingineering/Const struction Project, Required is the inv t to determine th nd achieve comp investigation da	truction cost to f , scheduled for c vestigation date ne cause of nonc liance with the p ate, and the Fina	inish co ompleti , and th omplian permitte al Date tering 0.00 0.00 0.00 0.00 0.00 0.00	\$4,479 nstruction of the c on in summer 202 e Final Date is the ce, make any nec d effluent limitatio is the estimated da item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a clarifiers, included in 3; and place the cla estimated date of essary repairs/adju ons. The Date Requ ate of compliance. <b>one-time avoide</b> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$4,479 the Interim arifiers online. compliance. stments to the ured is the <b>d costs)</b> <b>4 costs)</b> <b>5</b> 0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Other (as needed) Notes for DELAYED costs <b>Avoided Costs</b> Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	Estimated E Phase II Con The Date R Estimated cos Facility, a	ingineering/Const struction Project, Required is the inv t to determine th nd achieve comp investigation da	truction cost to f , scheduled for c vestigation date ne cause of nonc liance with the p ate, and the Fina	inish co ompleti , and th omplian permitte al Date tering 0.00 0.00 0.00 0.00	\$4,479 nstruction of the c on in summer 202 e Final Date is the ce, make any nec d effluent limitatio is the estimated da item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a larifiers, included in 3; and place the cla estimated date of essary repairs/adju ons. The Date Requ ate of compliance. <b>one-time avoide</b> \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$4,479 the Interim arifiers online. compliance. stments to the ured is the <b>d costs)</b> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0



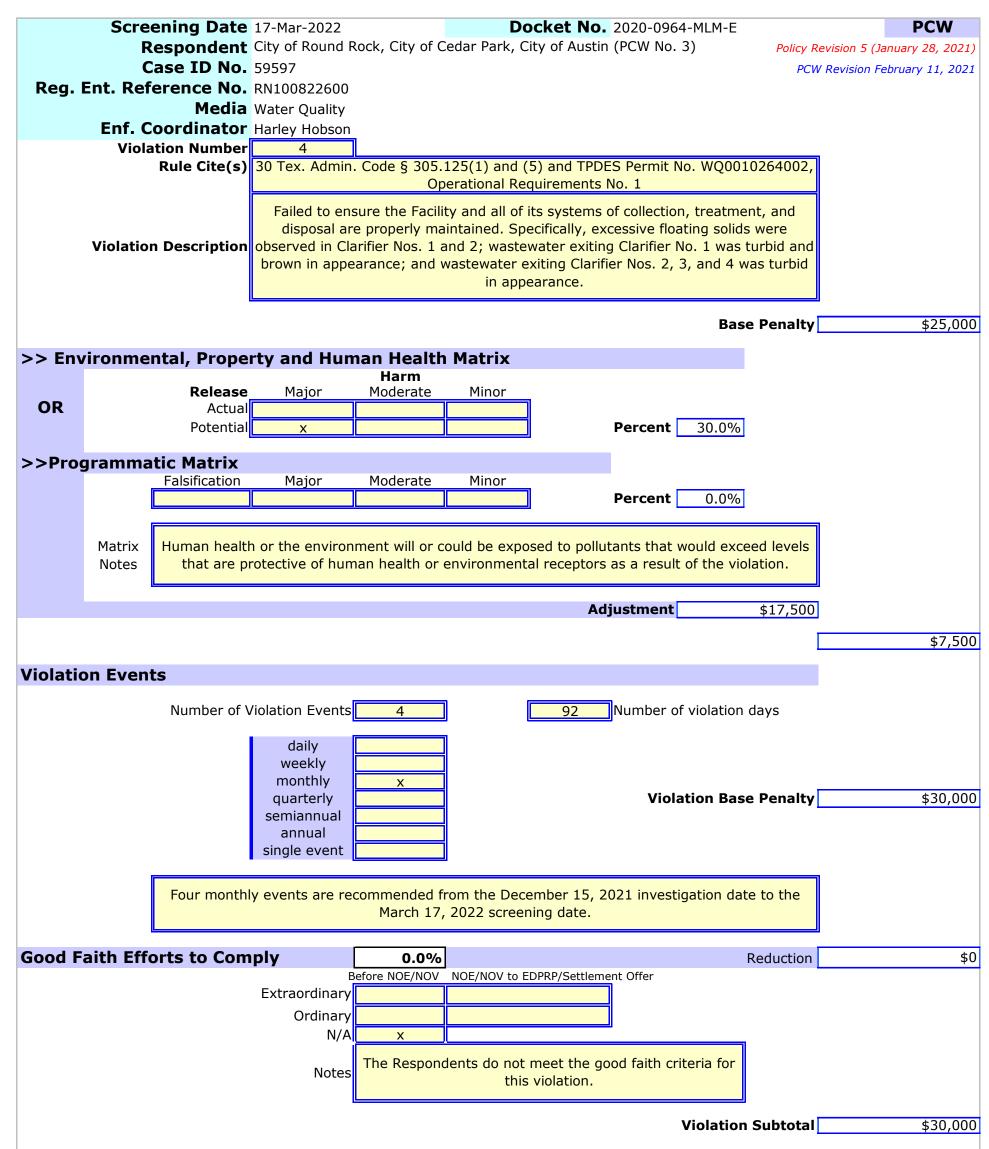
	Violation Subtotal \$90,000
Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	\$18,870 Violation Final Penalty Total \$140,000
	This violation Final Assessed Penalty (adjusted for limits) \$140,000

		conomic	Benefit	Wo	rksheet		
Respondent	City of Round	Rock, City of Ced	ar Park, City of A	Austin (	PCW No. 3)		
Case ID No.	59597						
eg. Ent. Reference No.	RN100822600	)					
Media	Water Quality					Percent Interest	Years of
Violation No.	2					<b>–</b> •	Depreciation
						5.0	15
		Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs		1			¢0	¢0	¢O
Equipment Buildings				0.00	\$0 \$0	<u>\$0</u> \$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	<u>\$0</u> \$0
Lighteering/construction				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	<u> </u>
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
Other (as needed) Monitoring				0.00 0.00 the slu	\$0 \$0 udge accumulation	n/a n/a s from the affected	\$0 \$0 areas of Brushy
Monitoring Notes for DELAYED costs	Creek, from a Outfall No. 00	pproximately 200 D1. The Date Req	) feet upstream ( uired is the inve	0.00 0.00 the slu of Outfa stigatic	\$0 \$0 udge accumulation all No. 001 to appron on date, and the Fi	n/a n/a s from the affected oximately 1.8 miles nal Date is the date	\$0 \$0 areas of Brushy downstream of of compliance.
Monitoring Notes for DELAYED costs Avoided Costs	Creek, from a Outfall No. 00	pproximately 200 D1. The Date Req	) feet upstream ( uired is the inve	0.00 0.00 the slu of Outfa stigatic	\$0 \$0 udge accumulation all No. 001 to appro on date, and the Fi item (except for	n/a n/a s from the affected oximately 1.8 miles nal Date is the date	\$0 \$0 areas of Brushy downstream of of compliance. d costs)
Monitoring Notes for DELAYED costs Avoided Costs Disposal	Creek, from a Outfall No. 00	pproximately 200 D1. The Date Req	) feet upstream ( uired is the inve	0.00 0.00 the slu of Outfa stigatic tering 0.00	\$0 \$0 udge accumulation all No. 001 to appro- on date, and the Fi item (except for \$0	n/a n/a s from the affected oximately 1.8 miles nal Date is the date r one-time avoide \$0	\$0 \$0 areas of Brushy downstream of of compliance. d costs) \$0
Monitoring Notes for DELAYED costs <b>Avoided Costs</b> Disposal Personnel	Creek, from a Outfall No. 00	pproximately 200 D1. The Date Req	) feet upstream ( uired is the inve	the slup the slup of Outfa stigatic tering 0.00 0.00	\$0 \$0 adge accumulation all No. 001 to appro- on date, and the Fi item (except for \$0 \$0	n/a n/a s from the affected oximately 1.8 miles nal Date is the date r one-time avoide \$0 \$0	\$0 \$0 areas of Brushy downstream of of compliance. d costs) \$0 \$0 \$0
Monitoring Notes for DELAYED costs <b>Avoided Costs</b> Disposal Personnel nspection/Reporting/Sampling	Creek, from a Outfall No. 00	pproximately 200 D1. The Date Req	) feet upstream ( uired is the inve	0.00 0.00 the slu of Outfa stigatic tering 0.00 0.00 0.00	\$0 \$0 adge accumulation all No. 001 to appron on date, and the Fi item (except for \$0 \$0 \$0 \$0	n/a n/a s from the affected oximately 1.8 miles nal Date is the date r one-time avoide \$0 \$0 \$0	\$0 \$0 areas of Brushy downstream of of compliance. d costs) \$0 \$0 \$0 \$0 \$0
Monitoring Notes for DELAYED costs <b>Avoided Costs</b> Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment	Creek, from a Outfall No. 00	pproximately 200 D1. The Date Req	) feet upstream ( uired is the inve	0.00 0.00 the slup of Outfa stigatic tering 0.00 0.00 0.00 0.00	\$0 \$0 adge accumulation all No. 001 to appro- on date, and the Fi item (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a s from the affected oximately 1.8 miles nal Date is the date r one-time avoide \$0 \$0 \$0 \$0 \$0	\$0 \$0 areas of Brushy downstream of of compliance. d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Monitoring Notes for DELAYED costs <b>Avoided Costs</b> Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	Creek, from a Outfall No. 00	pproximately 200 D1. The Date Req	) feet upstream ( uired is the inve	0.00 0.00 the slup of Outfa stigatic tering 0.00 0.00 0.00 0.00 0.00	\$0 \$0 adge accumulation all No. 001 to appro- on date, and the Fi item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a s from the affected oximately 1.8 miles nal Date is the date r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 areas of Brushy downstream of of compliance. d costs) d costs) d costs) s0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Monitoring Notes for DELAYED costs <b>Avoided Costs</b> Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	Creek, from a Outfall No. 00	pproximately 200 D1. The Date Req	) feet upstream ( uired is the inve	0.00 0.00 the slup of Outfa stigatic tering 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 adge accumulation all No. 001 to appro- on date, and the Fi item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a s from the affected oximately 1.8 miles nal Date is the date r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 areas of Brushy downstream of of compliance. d costs) d costs) d costs) s0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Monitoring Notes for DELAYED costs <b>Avoided Costs</b> Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	Creek, from a Outfall No. 00	pproximately 200 D1. The Date Req	) feet upstream ( uired is the inve	0.00 0.00 the slup of Outfa stigatic tering 0.00 0.00 0.00 0.00 0.00	\$0 \$0 adge accumulation all No. 001 to appro- on date, and the Fi item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a s from the affected oximately 1.8 miles nal Date is the date r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 areas of Brushy downstream of of compliance. d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

		ening Date				cket No. 2020-0964-MLM-E		PCW
		Case ID No.		CUCK, CILY OF C	eual Park, C	ity of Austin (PCW No. 3)		evision 5 (January 28, 2021) / Revision February 11, 2021
Reg. l	-	erence No.						
	_		Water Quality					
		oordinator	Harley Hobson	7				
	VIUIC		30 Toy Admin	Codo 8 305	125(1) and (	5) and TPDES Permit No. WQ001	0264002	
			SU TEX. Admin	Op	erational Re	quirements No. 1	0204002,	
	Violatio	n Description	disposal are	properly main	tained. Spe	its systems of collection, treatment cifically, in Clarifier No. 2, one of the skimmer component.		
						Base	e Penalty	\$25,000
>> Env	vironme	ntal, Prope	rty and Hun	nan Health	Matrix			
		Release	Major	<b>Harm</b> Moderate	Minor			
OR		Actual		Moderate	MINU			
		Potential		Х		<b>Percent</b> 15.0%		
>>Proc	aramma	tic Matrix						
		Falsification	Major	Moderate	Minor			
						Percent 0.0%		
	Matuix	Human heal	th or the enviro	onment will or	could be exp	osed to significant amounts of po	llutants	
	Matrix Notes	that would no	t exceed levels			an health or environmental reception	otors as a	
				resul	t of the viola	tion.		
						Adjustment	\$21,250	
							I	\$3,750
Violatio	on Even	ts						
		Number of V	/iolation Events	4		92 Number of violation	days	
			daily					
			weekly					
			monthly quarterly	X		Violation Base	Ponalty	\$15,000
			semiannual			Violation Base	Fenalty	\$15,000
			annual single event					
			Single event					
		Four monthl	y events are re		rom the Dece 2022 screer	ember 15, 2021 investigation date	e to the	
Good F	aith Effe	orts to Com	ply	0.0%		ſ	Reduction	\$0
			Extraordinary		NOE/NOV to E	DPRP/Settlement Offer		
			Ordinary					
			N/A					
			Notes	The Respond		meet the good faith criteria for violation.		
						Violation	Subtotal	\$15,000

Economic Benefit (EB) for this violation	n Statutory Limit Test
Estimated EB Amount	\$341 Violation Final Penalty Total \$22,500
	This violation Final Assessed Penalty (adjusted for limits) \$22,500

	E	conomic	Benefit		rksneet		
Respondent	City of Round	Rock, City of Ceda	ar Park, City of A	Austin (	PCW No. 3)		
Case ID No.	59597						
leg. Ent. Reference No.	RN100822600						
-	Water Quality						Years of
Violation No.						<b>Percent Interest</b>	Depreciation
violation No.	5						
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Equipment	\$2,500	15-Dec-2021	27-Nov-2023	1.95	\$16	\$325	\$341
Buildings				0.00	\$0	\$0	<u>\$0</u>
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
<b>Record Keeping System</b>				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
<b>Remediation/Disposal</b>				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	No. 2. The Da	ate Required is the	investigation c	late, an	d the Final Date is	skimmer arm assem the estimated date	of compliance
	ANNU/	ALIZE avoided co	osts before en	tering	item (except for	one-time avoided	
Avoided Costs							
Disposal				0.00	\$0	\$0	\$0
Disposal Personnel				0.00	\$0	\$0	\$0 \$0
Disposal Personnel Inspection/Reporting/Sampling				0.00 0.00 0.00	\$0 \$0	\$0 \$0	\$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment				0.00 0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance				0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs				0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 <b>\$</b> 0 <b>\$</b> 0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel inspection/Reporting/Sampling Supplies/Equipment Financial Assurance				0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs				0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 <b>\$</b> 0 <b>\$</b> 0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0



Economic Benefit (EB) for this violation	n Statutory Limit Test
Estimated EB Amount	\$2,043 Violation Final Penalty Total \$45,000
	This violation Final Assessed Penalty (adjusted for limits) \$45,000

	E	conomic	Benefit	Nor	ksheet		
		Rock, City of Ceda	ar Park, City of /	Austin (	PCW No. 3)		
Case ID No.							
Reg. Ent. Reference No.							Years of
	Water Quality					<b>Percent Interest</b>	
Violation No.	4						Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	EB Amount
Item Description							
-							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
<b>Engineering/Construction</b>				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
<b>Record Keeping System</b>				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)	l			0.00	\$0	n/a excessive floating s	\$0
Notes for DELAYED costs			make any neces	sary re	•	to ensure that was ion date, and the F	
			estimate	d date o	of compliance.		
Avoided Costs	ANNU/	ALIZE avoided c	osts before en	tering	item (except for	one-time avoide	l 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	\$0 ¢0
Other (as needed)		<u> </u> ]		0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

No COMMISSION NO COMMISSION	Policy Revi	Pe ision 5 (January 28, 2		alculatio	n Workst	neet (PC	,	vision February 11, 2	2021
DATES		18-Apr-2022 8-Aug-2022	Scrooning	28-Apr-2022	EPA Due		1		
				20-ADI-2022					
RESPO		TY INFORMATIC City of Round Ro		dar Park, City	of Austin (PCW	No. 4)			
	g. Ent. Ref. No. ty/Site Region	RN100822600	· ·			linor Source	Major		
					мајог/ м				
	NFORMATION f./Case ID No.	59597			No. c	of Violations	2		
	Docket No.	2020-0964-MLM-	-E			Order Type	Findings		
мес	lia Program(s) Multi-Media				Government Enf.		Tes Harley Hobsor	1	
Adı	min Denalty ¢ I	Limit Minimum	\$0	Maximum	\$25,000	EC's Team	Enforcement 1	eam 1	
					· · ·				
				•	tion Section	on			
ΤΟΤΑΙ	L BASE PENA	LTY (Sum of	violation l	base penal	ties)		Subtotal 1	\$28,7	750
ADJU	STMENTS (+	/-) TO SUBTO	DTAL 1						
	Subtotals 2-7 are ob Compliance His	otained by multiplying <b>story</b>	the Total Base P	enalty (Subtotal 1 <b>50.0%</b>	) by the indicated p Adjustment		tals 2, 3, & 7	\$14,3	375
	- Notes	-	nt for ten mon	ths of self-rep	orted effluent vi				
	Culpability	No		0.0%	Enhancement		Subtotal 4		<b>\$0</b>
	Notes	The Re	espondents do	o not meet the	culpability crite	ria.			
	Good Faith Effe	ort to Comply T	otal Adjustm	ients			Subtotal 5	-\$2,8	875
	Economic Bene	efit Total EB Amounts	\$122		Enhancement* d at the Total EB \$ /	Amount	Subtotal 6		<b>\$0</b>
	Estimated	I Cost of Compliance	\$1,500	cappo					
SUM (	OF SUBTOTAI	LS 1-7				F	inal Subtotal	\$40,2	250
		Subtotal by the indic			0.0%		Adjustment		\$0
Reduces c	Notes		ateu percentage.				]		
	Notes					510010		+ 40.2	
						Final Per	nalty Amount	\$40,2	250
STATU	JTORY LIMIT		IT			Final Asse	ssed Penalty	\$40,2	250
DEFE					0.0%	Reduction	Adjustment		\$0
Reduces t	he Final Assessed Pe	nalty by the indicated	percentage.				]		
	Notes	No d	leferral is reco	ommended for	Findings Orders	5.			
ΡΑΥΑ	BLE PENALT	1						\$40,2	250
								T · · · · · · · · · · · · · · · · · · ·	. –

	<b>City of Round Rock, City of Cedar Park, City of Austin (PCW No. 4)</b>		ision 5 (January 28, 2
	<b>Se ID No.</b> 59597	PCW R	evision February 11,
Reg. Ent. Refer	ence No. RN100822600		
	Media Water Quality		
Enf. Coc	ordinator Harley Hobson		
	Compliance History Worksheet		
-	ory Site Enhancement (Subtotal 2)	Number	Adiust
Component	Number of		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%
	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
Orders	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%
Judgments and Consent	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%
Decrees	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%
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 (number of audits for which notices were submitted)		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</i> <i>disclosed</i> )	0	0%
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
C the	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 Per	rcentage (Sul	btotal 2) 50
• Repeat Violator	(Subtotal 3)		
No	Adjustment Per	rcentage (Sul	btotal 3) 0°
	ory Person Classification (Subtotal 7)		
Satisfactory	Performer Adjustment Per	rcentage (Sul	btotal 7) 00
Compliance Histo	ory Summary		
Compliance History Notes	Enhancement for ten months of self-reported effluent violations.		
	Total Compliance History Adjustment Percentage (	Subtotals 2,	<b>3, &amp; 7)</b> 50
Final Compliance	History Adjustment		
	Final Adjustment Percent	age *capped	<b>at 100%</b> 50

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

PCW

Screening Date 28-Apr-2022

	Scre	ening Date	28-Apr-2022		Dock	et No. 2020-0964-MLM-E		PCW
	R	Respondent	City of Round F	Rock, City of C	edar Park, City	of Austin (PCW No. 4)	Policy	Revision 5 (January 28, 2021)
	C	Case ID No.	59597				PC	W Revision February 11, 2021
Reg.	Ent. Ref	erence No.	RN100822600					
		Media	Water Quality					
	Enf. C	Coordinator	Harley Hobson	_				
	Viola	ation Number	1					
		Rule Cite(s)	So rexi / anim	Pollutant Disch	narge Eliminatio	, Tex. Water Code § 26.121(a n System ("TPDES") Permit No Conditions No. 2.g		
	Violatio	n Description		state. Specific	cally, wastewate	e of wastewater into or adjace er solids were observed on the ) disinfection system.		
						Base	e Penalty	\$25,000
>> Env	vironmer	ntal, Proper	ty and Hum	an Health I	Matrix			
				Harm				
OR		<b>Release</b> Actual		Moderate	Minor			
UK		Potential		X		<b>Percent</b> 50.0%		
		rotentia						
>>Pro	gramma	tic Matrix						
		Falsification	Major	Moderate	Minor			
						Percent 0.0%		
			an the environm	mant has been	avpaged to sig	nificant amounts of nellutants	which do	
	Matrix Notes					nificant amounts of pollutants vironmental receptors as a res		
						Adjustment	\$12,500	
								\$12,500
								φ12,500
Violati	on Event	S						
			<i></i>					
		Number of N	iolation Events/	2		56 Number of violation of	lays	
			daily					
			weekly					
			monthly	x				
			quarterly			Violation Base	e Penalty	\$25,000
			semiannual annual					
			single event					
			Single event					
		Two monthl	v events are rec	commended fr	om the March 3	, 2022 date the violation was	initially	
			•		April 28, 2022			
Good F	aith Effo	orts to Com	ply	10.0%		F	Reduction	\$2,500
			-	Before NOE/NOV	NOE/NOV to EDPR			
			Extraordinary					
			Ordinary		x			
			N/A			1		
			Nataa	The R	espondents ach	ieved compliance by		
			Notes		April 4,	2023.		
						Violation		\$22,500
Econor	nic Bene	fit (EB) for	this violatio	on		Statutory Limit	Test	
		Estimate	ed EB Amount		\$27	Violation Final Pena	alty Total	\$35,000
		Estimate	ed EB Amount			Violation Final Pena sessed Penalty (adjusted for	-	\$35,000

eg. Ent. Reference No. Media Violation No.	Water Quality					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description	L						
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		<u>  </u>		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 Other (as needed)				0.00	\$0 \$0	n/a	\$0
	Estimated Re	emediation/Dispos	sal cost to dispo	se of th		d properly clean and	\$0 disinfect the
Notes for DELAYED costs		around the UV di	isinfection syste	m. The	ne sewer solids and	d properly clean and the date the violatic	disinfect the
	affected area	around the UV di docume	sinfection syste ented, and the I	m. The <sup>-</sup> inal Da	e sewer solids and Date Required is te is the date of co	d properly clean and the date the violatic ompliance.	disinfect the on was initially
Notes for DELAYED costs Avoided Costs Disposal	affected area	around the UV di docume	sinfection syste ented, and the I	m. The <sup>-</sup> inal Da	e sewer solids and Date Required is te is the date of co	d properly clean and the date the violatic	disinfect the on was initially
Avoided Costs	affected area	around the UV di docume	sinfection syste ented, and the I	m. The inal Da <b>tering</b>	ne sewer solids and Date Required is te is the date of co item (except for	d properly clean and the date the violatic ompliance.	disinfect the on was initially d costs)
Avoided Costs Disposal	affected area	around the UV di docume	sinfection syste ented, and the I	m. The Final Da tering 0.00	e sewer solids and Date Required is te is the date of co item (except for \$0	d properly clean and the date the violatic ompliance. • <b>one-time avoide</b> \$0	disinfect the on was initially d costs) \$0
Avoided Costs Disposal Personnel	affected area	around the UV di docume	sinfection syste ented, and the I	m. The Final Da tering 0.00 0.00	te sewer solids and Date Required is te is the date of co item (except for \$0 \$0 \$0 \$0 \$0 \$0	d properly clean and the date the violatic ompliance. • one-time avoided \$0 \$0	disinfect the on was initially d costs) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	affected area	around the UV di docume	sinfection syste ented, and the I	m. The Final Da tering 0.00 0.00 0.00	te sewer solids and Date Required is te is the date of co item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	d properly clean and the date the violatic ompliance. * one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	disinfect the on was initially d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment	affected area	around the UV di docume	sinfection syste ented, and the I	m. The inal Da tering 0.00 0.00 0.00 0.00	te sewer solids and Date Required is te is the date of co item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	d properly clean and the date the violatic ompliance. <b>one-time avoided</b> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	disinfect the on was initially d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	affected area	around the UV di docume	sinfection syste ented, and the I	m. The Final Da tering 0.00 0.00 0.00 0.00 0.00	te sewer solids and Date Required is te is the date of co item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	d properly clean and the date the violatic ompliance. * one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	disinfect the on was initially d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

	Screening Date				cket No. 2020		PCW
	•	City of Round Ro	ock, City of C	edar Park, Cit	ty of Austin (PCW	/ No. 4) Polic	cy Revision 5 (January 28, 2021)
_	Case ID No.						PCW Revision February 11, 2021
Reg. E	Int. Reference No.						
		Water Quality					
	Enf. Coordinator						
	Violation Number Rule Cite(s)						
	Rule Cite(s)	30 Tex. Admin.			i) and TPDES Per uirements No. 1	mit No. WQ001026400	<sup>1</sup> 2,
	Violation Descriptior	disposal are pro	operly mainta e samples for	ained. Specifi analysis beca	cally, the Respon	ection, treatment, and dents did not collect 2 r the effluent composit	
						Base Pena	<b>ity</b> \$25,000
>> Env	ironmental, Prope	erty and Hum	an Health	Matrix			
			Harm				
OR	<b>Release</b> Actua		Moderate	Minor			
UN	Potentia		Х		Perc	ent 15.0%	
		<u> </u>					
>>Prog	rammatic Matrix						
	Falsification	Major	Moderate	Minor	Perc	ent 0.0%	
					Fere	0.070	
	Human hea	Ith or the enviror	nment will or	could be expo	osed to significan	t amounts of pollutants	
	Matrix Notes	not exceed levels		ective of hum t of the violat		ironment receptors as	a
			resul				
					Adjustm	ent \$21,2	50
							\$3,750
							μ
Violatio	on Events						
	Number of	Violation Eventa	4			or of violation days	
	Number of	Violation Events	Ţ		56 Numl	per of violation days	
		daily					
		weekly					
		monthly quarterly	X			Violation Base Pena	lty \$3,750
		semiannual	X				<b>Ly</b> \$3,730
		annual					
		single event					
	One quart				3, 2022 date the 2 screening date	e violation was initially	
		uocun		April 28, 202			
Cood Er	aith Efforts to Con		10.0%			Deducti	on \$375
GOOU Fa	aith Efforts to Con			NOE/NOV to ED	PRP/Settlement Offe	Reducti	
		Extraordinary		,			
		Ordinary		x			
		N/A					
			The F	Respondents a	chieved complia	nce by	
		Notes		•	10, 2023.		
		L					
						Violation Subto	tal \$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

Pacnandant		conomic		-			
		Rock, City of Ceda	ar Park, City of A	Austin (	PCW No. 4)		
Case ID No.							
eg. Ent. Reference No.	RN100822600						
Media	Water Quality					Demonstrations at	Years of
Violation No.						Percent Interest	Depreciation
						5.0	
		Data Daniduad		V	Turbana at Carried		
		Date Required	Final Date	YIS	Interest Saved	Costs Saved	EB Amount
Item Description							
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
<b>Engineering/Construction</b>				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
<b>Remediation/Disposal</b>				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
					pump for the cine		ner ine Dale
Notes for DELAYED costs			•	docume		al Date is the date o	of compliance.
Avoided Costs			•	docume	item (except for	one-time avoided	of compliance.
Avoided Costs Disposal			•	docume tering 0.00	item (except for \$0	one-time avoideo \$0	d costs) \$0
Avoided Costs Disposal Personnel			•	docume tering 0.00 0.00	item (except for \$0 \$0	one-time avoided \$0 \$0	of compliance. d costs) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling			•	docume tering 0.00 0.00 0.00	item (except for \$0 \$0 \$0 \$0	one-time avoided \$0 \$0 \$0 \$0	of compliance. d costs) \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment			•	docume tering 0.00 0.00 0.00 0.00	item (except for \$0 \$0 \$0 \$0 \$0	one-time avoided \$0 \$0 \$0 \$0 \$0	f compliance. d costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance			•	docume tering 0.00 0.00 0.00 0.00 0.00	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	of compliance. d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs			•	docume tering 0.00 0.00 0.00 0.00 0.00 0.00	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	of compliance. d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance			•	docume tering 0.00 0.00 0.00 0.00 0.00	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	of compliance. d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

S COM MISSIC	Policy Revi	Pe ision 5 (January 28, 2		Calculatio	n Worksł	neet (PC	,	vision February 11, 2021
DATES		18-Jul-2022	Concording	20.1.1.2022				
	PCW			28-Jul-2022	EPA Due			
RESPO		TY INFORMATI City of Round Ro		edar Park, and	City of Austin (P	PCW No. 5)		
	g. Ent. Ref. No.	RN100822600					Major	
	ty/Site Region	11-Austin			Мајог/М	linor Source	Majoi	
	NFORMATION f./Case ID No.	59597			No. c	of Violations	1	
	Docket No.	2020-0964-MLM	-E			Order Type	Findings	
Med	lia Program(s) Multi-Media				Government Enf.		Yes Harley Hobson	
			+0	7			Enforcement T	
Adr	nin. Penalty \$ I	Limit Minimum	\$0	Maximum	\$25,000			
			Penal	lty Calcula	tion Section	on		
TOTA	L BASE PENA	LTY (Sum of	violation	base penal	ties)		Subtotal 1	\$50,000
ADJUS	STMENTS (+)	/-) TO SUBTO	DTAL 1					
	Subtotals 2-7 are ob Compliance His	tained by multiplying	the Total Base	Penalty (Subtotal 1 50.0%	) by the indicated p Adjustment		tals 2, 3, & 7	\$25,000
	-		at fax tan ma		<u> </u>		_, _, _, _,	+_0/000
	Notes	Ennancemei	nt for ten mo	onths of self-rep	orted emuent v	lolations.		
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
	Notes	The Re	espondents d	do not meet the	culpability crite	ria.		
	Good Faith Effe	ort to Comply T	otal Adjust	ments			Subtotal 5	-\$5,000
	Economic Bene	efit Total EB Amounts	\$79		Enhancement* d at the Total EB \$ /	Amount	Subtotal 6	\$0
	Estimated	Cost of Compliance	\$2,100					
SUM (	OF SUBTOTAI	LS 1-7				F	inal Subtotal	\$70,000
OTHE	R FACTORS A	S JUSTICE M	IAY REOU	IRE	0.0%		Adjustment	\$0
		Subtotal by the indic						<u> </u>
	Notes							
						Einal Per	alty Amount	\$70,000
						i illai r ell	arty Amount	
STATU	JTORY LIMIT		IT			Final Asse	ssed Penalty	\$70,000
DEFEF					0.0%	Reduction	Adjustment	\$0
Reduces t	he Final Assessed Pe	nalty by the indicated	l percentage.					
	Notes	No c	leferral is re	commended for	Findings Orders	5.		
PAYA	BLE PENALT	1						\$70,000

		Other written NOVs	0	0%					
		Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%					
	Orders	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%					
	Judgments and Consent	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%					
	Decrees	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%					
	Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%					
	Emissions	Chronic excessive emissions events (number of events)	0	0%					
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%					
	Addits	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%					
		Environmental management systems in place for one year or more	No	0%					
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program		0%					
	other	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%									
>> R	epeat Violator	(Subtotal 3)							
	No	Adjustment Per	rcentage (Sub	total 3)	0%				
>> Compliance History Person Classification (Subtotal 7)									
Satisfactory Performer Adjustment Percentage (Subtotal 7) 0%									
>> 0	>> Compliance History Summary								
	Compliance History Notes								
		Total Compliance History Adjustment Percentage (	Subtotals 2,	3, & 7)	50%				
>> Fi	nal Compliance	History Adjustment							
		Final Adjustment Percent	age *capped	at 100%	50%				

## 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

Number of...

Component

NOVs

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

Written notices of violation ("NOVs") with same or similar violations as those in the

current enforcement action (number of NOVs meeting criteria)

Policy Revision 5 (January 28, 2021)

Number

10

PCW Revision February 11, 2021

Adjust.

50%

**PCW** 

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

		ening Date				<b>(et No.</b> 2020-0964-MLM-E		PCW
	F	Respondent	City of Round F	Rock, City of (	Cedar Park, and	City of Austin (PCW No. 5)	Policy P	evision 5 (January 28, 2021)
	C	Case ID No.	59597					Revision February 11, 2021
Reg.	Ent. Ref	ference No.	RN100822600					
			Water Quality					
		Coordinator	Harley Hobson	ז				
	VIOI	Rule Cite(s)		. Code § 305	.125(1) and (5)	, Tex. Water Code § 26.121(a	(1), and	
	Violatio	n Description	Texas Pollutar Failed to pre water in the st	nt Discharge E event an unau tate. Specific	Elimination Syst Conditions thorized dischat cally, on June 1	em Permit No. WQ001026400	2, Permit to any scharged	
						Base	Penalty	\$25,000
>> Env	vironme	ntal, Prope	rty and Hum	nan Health	Matrix			
			-	Harm				
OR		<b>Release</b> Actual	Major x	Moderate	Minor			
		Potential				<b>Percent</b> 100.0%		
		tic Matrix						
>>PI0	grannia	tic Matrix Falsification	Major	Moderate	Minor			
						Percent 0.0%		
	Matrix Notes				•	pollutants which exceed levels ptors as a result of the violatio		
						Adjustment	\$0	
							Г	\$25,000
								φ25,000
Violatio	on Even	ts						
		Number of \	/iolation Events	2		41 Number of violation of	days	
			daily weekly monthly quarterly	 X		Violation Base	Penalty	\$50,000
			semiannual annual single event					
			surgio overite		<u></u>			
		Two monthly	events are reco		the June 17, 2 2022 screening	022 unauthorized discharge da date.	ite to the	
Good F	aith Effe	orts to Com	ply	10.0%		F	Reduction	\$5,000
			Extraordinary		NOE/NOV to EDP	RP/Settlement Offer	_	
			Ordinary		x			
			N/A					
			Notes	The F	•	hieved compliance by 1, 2023.		
						Violation	Subtotal	\$45,000
Econor	nic Bene	efit (EB) for	this violation	on		Statutory Limit	Test	
		Estimate	ed EB Amount		\$79	Violation Final Pena	Ity Total	\$70,000
						sessed Penalty (adjusted fo	r limite)	\$70,000
					ACT I HIGI AS			φ/0,000

		conomic	Benefit	Woi	<b>ksheet</b>		
Respondent Case ID No. Reg. Ent. Reference No.	59597	Rock, City of Ced	ar Park, and City	y of Aus	tin (PCW No. 5)		
-	Water Quality					Percent Interest	Years of Depreciation
						5.0	15
		Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs	i <del></del>	1			+0	+0	+0
Equipment Buildings				0.00	<u>\$0</u> \$0	<u>\$0</u> \$0	<u>\$0</u> \$0
Other (as needed)				0.00	\$0 \$0	\$0	<u>\$0</u> \$0
Engineering/Construction				0.00	\$0	\$0	<u>\$0</u> \$0
Land				0.00	\$0	n/a	\$0
<b>Record Keeping System</b>				0.00	\$0	n/a	\$0
<b>Remediation/Disposal</b>	\$100	17-Jun-2022	17-Jun-2022	0.00	\$0	n/a	\$0
<b>Remediation/Disposal</b>	\$2,000	17-Jun-2022	31-Mar-2023	0.79	\$79	n/a	\$79
Permit Costs Other (as needed)				0.00	<u>\$0</u> \$0	n/a n/a	\$0 \$0
						he dead fish. The D is the date of com	
Notes for DELAYED costs	the da Estimated I	te the unauthoriz Remediation/Disp rea surrrounding	ed discharge oc osal cost reinsta the manhole. T	curred, Ill the m he Date	and the Final Date	e is the date of com clean and properly ate the unauthorize	pliance. disinfect the
	the da Estimated I affected ar	te the unauthoriz Remediation/Disp rea surrrounding occur	ed discharge oc osal cost reinsta the manhole. The rred, and the Fir	curred, Ill the m he Date nal Date	and the Final Date anhole cover and Required is the d is the date of con	e is the date of com clean and properly ate the unauthorize ppliance.	pliance. disinfect the d discharge
Notes for DELAYED costs Avoided Costs Disposal	the da Estimated I affected ar	te the unauthoriz Remediation/Disp rea surrrounding occur	ed discharge oc osal cost reinsta the manhole. The rred, and the Fir	curred, Ill the m he Date nal Date	and the Final Date anhole cover and Required is the d is the date of con	e is the date of com clean and properly ate the unauthorize	pliance. disinfect the d discharge
Avoided Costs Disposal Personnel	the da Estimated I affected ar	te the unauthoriz Remediation/Disp rea surrrounding occur	ed discharge oc osal cost reinsta the manhole. The rred, and the Fir	curred, III the m he Date al Date <b>tering</b> 0.00	and the Final Date anhole cover and Required is the d is the date of con item (except for \$0 \$0	e is the date of com clean and properly ate the unauthorize ppliance.	pliance. disinfect the d discharge d costs) \$0 \$0
<b>Avoided Costs</b> Disposal Personnel Inspection/Reporting/Sampling	the da Estimated I affected ar	te the unauthoriz Remediation/Disp rea surrrounding occur	ed discharge oc osal cost reinsta the manhole. The rred, and the Fir	tering 0.00 0.00	and the Final Date anhole cover and Required is the date is the date of con <b>item (except for</b> \$0 \$0 \$0	e is the date of com clean and properly ate the unauthorize ppliance. <b>one-time avoide</b> \$0 \$0 \$0	pliance. disinfect the d discharge d costs) \$0 \$0 \$0
<b>Avoided Costs</b> Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment	the da Estimated I affected ar	te the unauthoriz Remediation/Disp rea surrrounding occur	ed discharge oc osal cost reinsta the manhole. The rred, and the Fir	tering 0.00 0.00 0.00 0.00	and the Final Date anhole cover and Required is the date is the date of con item (except for \$0 \$0 \$0 \$0 \$0 \$0	e is the date of com clean and properly ate the unauthorize pliance. <b>one-time avoide</b> \$0 \$0 \$0 \$0 \$0	pliance. disinfect the d discharge d costs) d costs) s0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	the da Estimated I affected ar	te the unauthoriz Remediation/Disp rea surrrounding occur	ed discharge oc osal cost reinsta the manhole. The rred, and the Fir	tering 0.00 0.00 0.00 0.00 0.00 0.00	and the Final Date anhole cover and Required is the d is the date of con <b>item (except for</b> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	e is the date of com clean and properly ate the unauthorize pliance. • <b>one-time avoide</b> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	pliance. disinfect the d discharge d costs) d costs) s0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	the da Estimated I affected ar	te the unauthoriz Remediation/Disp rea surrrounding occur	ed discharge oc osal cost reinsta the manhole. Ti rred, and the Fir	tering 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	and the Final Date anhole cover and Required is the d is the date of con <b>item (except for</b> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	e is the date of com clean and properly ate the unauthorize pliance. • <b>one-time avoide</b> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	pliance. disinfect the d discharge d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	the da Estimated I affected ar	te the unauthoriz Remediation/Disp rea surrrounding occur	ed discharge oc osal cost reinsta the manhole. Ti rred, and the Fir	tering 0.00 0.00 0.00 0.00 0.00 0.00	and the Final Date anhole cover and Required is the d is the date of con <b>item (except for</b> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	e is the date of com clean and properly ate the unauthorize pliance. • <b>one-time avoide</b> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	pliance. disinfect the d discharge d costs) d costs) s0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0



# 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.

	CN600413181, City of Round Rock	Classification: SATISFACTO	DRY Rating: 13.68				
or Owner/Operator:							
Regulated Entity:	RN100822600, BRUSHY CREEK REGIONAL EAST WWTP	Classification: SATISFACTO	DRY Rating: 0.87				
<b>Complexity Points:</b>	9	Repeat Violator: NO					
CH Group:	08 - Sewage Treatment Facilities						
Location:	3939 East Palm Valley Boulevard, i	n Round Rock, Williamson County Texas					
TCEQ Region:	REGION 11 - AUSTIN						
PRETREATMENT EPA ID TX0 STORMWATER PERMIT TXR0 WASTEWATER AUTHORIZAT WASTEWATER PERMIT TXG1 Compliance History Peri Date Compliance History Agency Decision Requiri							
-	<b>ted:</b> May 10, 2016 to May 10, 20						
TCEQ Staff Member to C	ontact for Additional Informa	ation Regarding This Compliance	History.				
Name: Caleb Olson		<b>Phone:</b> (817) 588-58	356				
Site and Owner/Operation	ator History:						
-	nce and/or operation for the full five change in ownership/operator of the		YES NO				
<u>Components (Multimedia) for the Site Are Listed in Sections A - J</u>							
A Final Ordana court							

- A. Final Orders, court judgments, and consent decrees:  $_{\mbox{N/A}}$
- **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: 07/2	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	3 403.8(f)(5)(ii)	
	Description:	Failed to implement and enforce the pretre	atment 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	Classificatio	DN: SATISFACTORY	<b>Rating:</b> 9.58				
Regulated Entity:	RN100822600, BRUSHY CREEK REGIONAL EAST WWTP	Classificatio	DN: SATISFACTORY	<b>Rating:</b> 1.00				
<b>Complexity Points:</b>	9	Repeat Viola	tor: NO					
CH Group:	08 - Sewage Treatment Facilities	-						
Location:	-	-						
TCEQ Region:	3939 East Palm Valley Boulevard, in Round Rock, Williamson County Texas ion: REGION 11 - AUSTIN							
ID Number(s): PRETREATMENT EPA ID TX PRETREATMENT EPA ID TX STORMWATER PERMIT TXR WASTEWATER AUTHORIZA	0075167 05EN54	PRETREATMENT PER STORMWATER PERMI WASTEWATER PERMI WASTEWATER EPA II	IT TXR1536CI IT WQ0010264002					
Compliance History Per	iod: September 01, 2017 to August	31, 2022 <b>Rating</b>	Year: 2022 Rati	ng Date: 09/01/2022				
Date Compliance Histor	y Report Prepared: April 14, 2	.023		-				
Agency Decision Requir	ing Compliance History: Enfo	prcement						
<b>Component Period Sele</b>	cted: April 14, 2018 to April 14, 2	2023						
TCEQ Staff Member to 0	Contact for Additional Informa	tion Regarding Thi	s Compliance Histor	ry.				
Name: Harley Hobson		Phone	e: (512) 239-1337					
Site and Owner/Oper			<b>、</b> ,					
-	nce and/or operation for the full five	vear compliance period	? YES					
	change in ownership/operator of the							
<u>Components (Multim</u>	edia) for the Site Are Liste	d in Sections A	<u>]</u>					
	udgments, and consent decre	es:						
N/A B. Criminal convictions	5:							
N/A <b>C. Chronic excessive e</b>	missions overts							
N/A	missions events.							
	of investigations (CCEDS Inv.	Track. No.):						
Item 1 April 16,	2018 (1495126)	Item 16	December 20, 201	.9 (1627833)				
Item 2 May 18, 2		Item 17	January 17, 2020	(1635460)				
Item 3 June 19,		Item 18	February 20, 2020	) (1642077)				
Item 4 July 20, 2		Item 19	March 18, 2020	(1648590)				
	er 19, 2018 (1528714)	Item 20	April 16, 2020	(1654943)				
	er 24, 2018 (1521524)	Item 21	May 19, 2020	(1661504)				
Item 7 October :		Item 22	June 18, 2020	(1668037)				
	er 20, 2018 (1542891)	Item 23	July 17, 2020	(1674983)				
Item 9 January 3		Item 24	August 18, 2020	(1681752)				
	19, 2019     (1564009)       2010     (1564010)	Item 25	September 16, 20					
Item 11 March 20		Item 26	October 16, 2020	(1694687)				
Item 12 April 19,								
		Item 27	November 19, 202					
Item 13 June 20, Item 14 October 3	2019 (1586138)	Item 27 Item 28 Item 29	November 19, 202 December 17, 202 February 18, 2021	.0 (1716658)				

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?YESClassification:Citation:2D TWC Chapter 26, SubChapter A 26.121(a)30 TAC Chapter 305, SubChapter F 305.125(1)	Moderate
	Description: Failure to meet the limit for one or more permit parameter	
2	Date: 05/31/2022 (1836498)	
	Self Report?YESClassification:Citation:2D TWC Chapter 26, SubChapter A 26.121(a)30 TAC Chapter 305, SubChapter F 305.125(1)	Moderate
	Description: Failure to meet the limit for one or more permit parameter	
3	Date: 06/30/2022 (1843683)	
	Self Report?YESClassification:Citation:2D TWC Chapter 26, SubChapter A 26.121(a)30 TAC Chapter 305, SubChapter F 305.125(1)	Moderate
	Description: Failure to meet the limit for one or more permit parameter	
4	Date: 07/31/2022 (1849845)	
	Self Report?YESClassification:Citation:2D TWC Chapter 26, SubChapter A 26.121(a)20 TWC Chapter 26, SubChapter A 26.121(a)	Moderate
	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?YESClassification:Citation:2D TWC Chapter 26, SubChapter A 26.121(a)20 TAC Chapter 205SubChapter 5 205	Moderate
	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?YESClassification:Citation:2D TWC Chapter 26, SubChapter A 26.121(a)30 TAC Chapter 305, SubChapter F 305.125(1)	Moderate
	Description: Failure to meet the limit for one or more permit parameter	
7	Date: 10/31/2022 (1870877)	
	Self Report?YESClassification:Citation:2D TWC Chapter 26, SubChapter A 26.121(a)20 TWC Club - 205 Club - 205 Club - 5 205 125(1)	Moderate
	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)	Modelate
	Description: Failure to meet the limit for one or more permit parameter	
9	Date: 12/31/2022 (1883544)	Mada
	Self Report?YESClassification:Citation:2D TWC Chapter 26, SubChapter A 26.121(a)	Moderate
	Page 2	

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:  $_{\mbox{N/A}}$
- I. Participation in a voluntary pollution reduction program:  $_{N/A} \label{eq:N/A}$
- J. Early compliance:

N/A

### Sites Outside of Texas:



## 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: SATISFACT	ORY Rating: 0.75			
Regulated Entity:	RN100822600, BRUSHY CREEK REGIONAL EAST WWTP	Classification: SATISFACT	ORY Rating: 0.87			
<b>Complexity Points:</b>	9	Repeat Violator: NO				
CH Group:	08 - Sewage Treatment Facilities					
Location:	3939 East Palm Valley Boulevard, i	939 East Palm Valley Boulevard, in Round Rock, Williamson County Texas				
TCEQ Region:	REGION 11 - AUSTIN	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		<b>Phone:</b> (817) 588-5	856			
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						
<u>Components (Multimedia) for the Site Are Listed in Sections A - J</u>						
<b>A. Final Orders, court j</b> N/A	udgments, and consent decre	ees:				
<b>B. Criminal convictions</b> N/A	:					

C. Chronic excessive emissions events:

N/A

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

7187) Item 11	April 19, 2017	(1419080)
3601) Item 12	May 19, 2017	(1426728)
7022) Item 13		(1432729)
2746)	,	(1444965)
0001)	5 (	(1457426)
E021)	1	(1469291)
1000)	,	(1475983)
9600)	, ,	(1491836)
5502)	,	(1478113)
		(1.70115)
	2601)	3601)Item 11April 19, 20177022)Item 12May 19, 20173746)Item 13June 19, 20173746)Item 14August 18, 20179891)Item 15October 19, 20175831)Item 16December 20, 20171990)Item 17January 19, 20188600)Item 18March 16, 20185503)Item 19April 09, 2018

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: 07/2	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	3 403.8(f)(5)(ii)	
	Description:	Failed to implement and enforce the pretrea	atment 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:



## **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, Respo or Owner/Opera	ndent, CN600407951 tor:	, City of Cedar Park	Class	ification:	SATISFACTOR	RY Rating	<b>g:</b> 0.71
Regulated Entity	RN100822600 REGIONAL EAS	, BRUSHY CREEK ST WWTP	Class	ification:	SATISFACTOF	RY Rating	<b>g:</b> 1.14
<b>Complexity Point</b>	<b>s:</b> 9		Repea	t Violator:	NO		
CH Group:	08 - Sewage T	reatment Facilities	-				
Location:	3939 East Palr	n Valley Boulevard, ii	n Round Rock.	Williamson Co	ounty Texas		
TCEQ Region:	REGION 11 - A		,				
ID Number(s):PRETREATMENT EPA ID TX0101940000PRETREATMENT PERMIT WQ0010264002PRETREATMENT EPA ID TX0075167STORMWATER PERMIT TXR1536CISTORMWATER PERMIT TXR05EN54WASTEWATER PERMIT WQ0010264002WASTEWATER AUTHORIZATION R10264002WASTEWATER EPA ID TX0101940							
Compliance Histo	ory Period: Septembe	er 01, 2017 to August	31, 2022 <b>R</b>	ating Year	<b>:</b> 2022	Rating Date:	09/01/2022
Date Compliance	History Report Pre	pared: April 14, 2	023				
Agency Decision	Requiring Complian	ce History: Enfo	rcement				
Component Perio	od Selected: April 1	4, 2018 to April 14, 2	023				
TCEQ Staff Memb	per to Contact for Ad	ditional Informa	tion Regardi	ing This Co	mpliance H	listory.	
Name: Harley	, Hobson			Phone: (	512) 239-133	7	
Site and Owner	/Operator History	<u>/:</u>		·	,		
•	in existence and/or oper			•		YES	
	(known) change in owne	••••	-		period?	NO	
<u>Components (M</u>	Iultimedia) for the	<u>e Site Are Liste</u>	in Section	<u>is A - J</u>			
A. Final Orders, N/A	court judgments, a	nd consent decre	es:				
B. Criminal conv	victions:						
N/A							
N/A	ssive emissions eve	nts:					
D. The approval	dates of investigati	ons (CCEDS Inv.	Track. No.):				
	April 16, 2018	(1495126)	It	em 17	January 17,	2020	(1635460)
	lay 18, 2018	(1502048)	It	em 18	February 20		(1642077)
	une 19, 2018	(1509166)	It	em 19	March 18, 20		(1648590)
	uly 20, 2018	(1515473)		em 20	April 16, 202		(1654943)
	September 19, 2018	(1528714)		em 21	May 19, 202		(1661504)
	September 24, 2018	(1521524)		em 22	June 18, 202		(1668037)
	October 19, 2018	(1535037)		em 23	July 17, 202		(1674983)
	lovember 20, 2018	(1542891)		em 24	August 18, 2		(1681752)
	anuary 18, 2019	(1564011)		em 25	September 1		(1688330)
	ebruary 19, 2019 1arch 20, 2019	(1564009) (1564010)		em 26	October 16,		(1694687)
		. ,		em 27	November 1		(1716657)
	April 19, 2019	(1573265)		em 28 em 29	December 1 February 18		(1716658) (1729739)
	une 20, 2019	(1586138)					
Item 14 C	ctobor 18 2010	(161/60/)	T+	em 30	March 18 70	121	(17297/0)
Itom 15	October 18, 2019	(1614694)		em 30 em 31	March 18, 20		(1729740) (1729741)
	October 18, 2019 November 20, 2019 December 20, 2019	(1614694) (1620482) (1627833)	It	em 30 em 31 em 32	March 18, 20 April 12, 202 May 19, 202	21	(1729740) (1729741) (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: N	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	louerate
	Description: Failure to meet the limit for one or more permit parameter	
2	Date: 05/31/2022 (1836498) Self Report? YES Classification: N	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)	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)	Moderate
	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: N Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)	Moderate
	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)	
		Moderate
	30 TAC Chapter 305, SubChapter F 305.125(1)	
c		
6	Date: 09/30/2022 (1863968) Self Report? YES Classification: N	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: N	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: N	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	loderate
	Description: Failure to meet the limit for one or more permit parameter	
9	Date: 12/31/2022 (1883544)	<b>A</b> . <b>1</b>
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)	Moderate
	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 Classificat	ion: 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 param	leter

### 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:

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 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	Clas	ssification:	SATISFACTORY	Rating	<b>3</b> .08
Regulated Entity:	RN100822600, BRUSHY CREEK REGIONAL EAST WWTP	Clas	ssification:	SATISFACTORY	Rating	<b>1</b> 0.87
<b>Complexity Points:</b>	9	Rep	eat Violator	: NO		
CH Group:	08 - Sewage Treatment Facilities					
Location:	3939 East Palm Valley Boulevard,	in Round Roc	k, Williamson C	County Texas		
TCEQ Region:	REGION 11 - AUSTIN					
ID Number(s):PRETREATMENT EPA ID TX0101940000PRETREATMENT PERMIT WQ0010264002PRETREATMENT EPA ID TX0075167STORMWATER PERMIT TXR1536CISTORMWATER PERMIT TXR05EN54WASTEWATER PERMIT WQ0010264002WASTEWATER AUTHORIZATION R10264002WASTEWATER EPA ID TX0101940WASTEWATER PERMIT TXG112710WASTEWATER EPA ID TX0101940						
Compliance History Peri	iod: September 01, 2015 to Augus	st 31, 2020	Rating Yea	r: 2020 Rat	ting Date:	09/01/2020
Date Compliance Histor	y Report Prepared: May 10, 2	2021				
Agency Decision Requir	ing Compliance History: En	forcement				
<b>Component Period Selec</b>	cted: May 10, 2016 to May 10, 2	2021				
TCEQ Staff Member to C	ontact for Additional Inform	ation Rega	rding This C	ompliance Hist	ory.	
Name: Caleb Olson		_	Phone:	(817) 588-5856	-	
Site and Owner/Oper	ator History:					
	nce and/or operation for the full five change in ownership/operator of the			YES period? NO		
<u>Components (Multime</u>	edia) for the Site Are Liste	ed in Section	<u>ons A - J</u>			
A. Final Orders, court j N/A	udgments, and consent decr	ees:				
<b>B. Criminal convictions</b> N/A	:					
C. Chronic excessive en N/A	missions events:					
D. The approval dates of	of investigations (CCEDS Inv	. Track. No	.):			
Item 1 May 18, 2	.016 (1347187)		Item 10	March 20, 2017		(1412581)

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.

Date:	07/2	8/2020	(1652907)			
Self Repo	rt? I	NO			Classification:	Minor
Citation:				SubChapter A 315.1		
		40 CFR	Chapter 403,	SubChapter N, PT 403	403.8(f)(5)(ii)	
Descriptio	n:	Failed to	o implement	and enforce the pretrea	atment program.	

### F. Environmental audits:

N/A

1

- G. Type of environmental management systems (EMSs):  $_{\mbox{$N/A$}}$
- H. Voluntary on-site compliance assessment dates:  $_{\mbox{N/A}}$
- I. Participation in a voluntary pollution reduction program:  $$N\!/\!A$$
- J. Early compliance:

N/A

#### Sites Outside of Texas:



## 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.

	stomer, Respo Owner/Opera	ondent, CN60013519 tor:	8, City of Austin	Classification	SATISFACTORY	Rating: 3.38
Re	gulated Entity	RN10082260 REGIONAL E	0, BRUSHY CREEK AST WWTP	Classification	SATISFACTORY	Rating: 1.14
Со	mplexity Poin	<b>ts:</b> 9		Repeat Violato	r: NO	
СН	Group:	08 - Sewage	Treatment Facilities			
Lo	cation:	3939 Fast Pa	Im Valley Boulevard in	Round Rock, Williamson	County Texas	
	EQ Region:	REGION 11 -				
PR PR ST(	ETREATMENT E ORMWATER PER	PA ID TX0101940000 PA ID TX0075167 MIT TXR05EN54 THORIZATION R1026400		PRETREATMENT PERMIT STORMWATER PERMIT T WASTEWATER PERMIT V WASTEWATER EPA ID T	TXR1536CI VQ0010264002	
Co	mpliance Hist	ory Period: Septemb	er 01, 2017 to August	31, 2022 Rating Yea	ar: 2022 Rating	Date: 09/01/2022
Da	te Compliance	e History Report Pro	epared: April 14, 20	)23		
Ag	ency Decision	Requiring Complia	nce History: Enfo	rcement		
Со	mponent Peri	od Selected: April	14, 2018 to April 14, 20	023		
ТС	EQ Staff Mem	ber to Contact for A	dditional Informat	tion Regarding This C	Compliance History	
	Name: Harle	y Hobson		Phone:	(512) 239-1337	
<u>Sit</u>	e and Owne	r/Operator Histor	<u>'y:</u>			
		in existence and/or ope			YES	
				site during the compliance I in Sections A - J		
<u>co</u>	inponents (1		le Site Ale Listed	I III Sections A - J		
Α.	Final Orders, N/A	court judgments, a	and consent decree	es:		
в.	Criminal con	victions:				
~	N/A					
С.	N/A	ssive emissions ev	ents:			
D.	,	dates of investigation	tions (CCEDS Inv. <sup>-</sup>	Track. No.):		
		April 16, 2018	(1495126)	Item 17	January 17, 2020	(1635460)
	Item 2	May 18, 2018	(1502048)	Item 18	February 20, 2020	(1642077)
	Item 3	lune 19, 2018	(1509166)	Item 19	March 18, 2020	(1648590)
	Item 4	July 20, 2018	(1515473)	Item 20	April 16, 2020	(1654943)
		September 19, 2018	(1528714)	Item 21	May 19, 2020	(1661504)
		September 24, 2018	(1521524)	Item 22	June 18, 2020	(1668037)
		October 19, 2018	(1535037)	Item 23	July 17, 2020	(1674983)
		November 20, 2018	(1542891)	Item 24	August 18, 2020	(1681752)
		January 18, 2019	(1564011)	Item 25	September 16, 2020	
		Eebruary 19, 2019	(1564009)	Item 26	October 16, 2020	(1694687)
		March 20, 2019	(1564010)	Item 27	November 19, 2020	(1716657)
		April 19, 2019	(1573265)	Item 28	December 17, 2020	(1716658)
	Item 13	lune 20, 2019	(1586138)	Item 29	February 18, 2021	(1729739)
	T. 4 /					
		October 18, 2019	(1614694)	Item 30	March 18, 2021	(1729740)
	Item 15	November 20, 2019	(1620482)	Item 31	April 12, 2021	(1729741)
	Item 15		(1620482) (1627833)			

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: N	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	louerate
	Description: Failure to meet the limit for one or more permit parameter	
2	Date: 05/31/2022 (1836498) Self Report? YES Classification: N	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)	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)	Moderate
	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: N Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)	Moderate
	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)	
		Moderate
	30 TAC Chapter 305, SubChapter F 305.125(1)	
c		
6	Date: 09/30/2022 (1863968) Self Report? YES Classification: N	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: N	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: N	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	loderate
	Description: Failure to meet the limit for one or more permit parameter	
9	Date: 12/31/2022 (1883544)	<b>A</b> . <b>1</b>
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)	Moderate
	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 Classificat	ion: 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 param	leter

### 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:

## 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.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

FOI THE COMMISSION	For	the	Commission
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Date

Date

2/14/2024

For the executive Director

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 Thans, P.C.

Signature

Michael Thane, P.E. Name (Printed or typed) Authorized Representative of City of Round Rock 12/26/2023 Date

Director of Utilities

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

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For the Executive Director

Date

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- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

Signature

Eric Rause

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

Date

Potic Works

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

City of Round Rock, City of Cedar	Park, and City of Austin		:
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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:

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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.

Signature

Shay Ralls Roalson, P.E.

Name (Printed or typed) Authorized Representative of City of Austin 12/21/2023 \_\_\_\_\_\_ Date

Director, Austin Water Title

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

### Attachment A

### Docket Number: 2020-0964-MLM-E

### SUPPLEMENTAL ENVIRONMENTAL PROJECT

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

Item	Total
New Clarifier "Clarifier 5"	\$2,282,000
Total	\$2,282,000

### 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 City of Round Rock, City of Cedar Park, and City of Austin Docket No. 2020-0964-MLM-E Attachment A

### 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.