

**Executive Summary – Enforcement Matter – Case No. 60315**

**City of Liberty Hill**

**RN104102132**

**Docket No. 2021-0162-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

No

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

Liberty Hill Regional WWTP, located approximately 5,000 feet north of the South Fork San Gabriel River and 2,000 feet east of U.S. Highway 183, Williamson County

**Type of Operation:**

Wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket No. 2021-0806-EAQ-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** September 3, 2021

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$26,250

**Amount Deferred for Expedited Settlement:** \$5,250

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

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

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$21,000

Name of SEP: WWTP Improvements (Compliance)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** October 22, 2020

**Date(s) of NOE(s):** January 7, 2021

**Executive Summary – Enforcement Matter – Case No. 60315**  
**City of Liberty Hill**  
**RN104102132**  
**Docket No. 2021-0162-MWD-E**

***Violation Information***

Failed to comply with permitted effluent limitations for ammonia nitrogen, *Escherichia coli*, and total phosphorous [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014477001, Interim II Effluent Limitations and Monitoring Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to, within 260 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0014477001, 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:** Caleb Olson, Enforcement Division, Enforcement Team 1, MC R-04, (817) 588-5856; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**TCEQ SEP Coordinator:** Betty Sanders, SEP Coordinator, Litigation Division, MC 173, (512) 239-3992

**Respondent:** The Honorable Liz Branigan, Mayor, City of Liberty Hill, P.O. Box 1920, Liberty Hill, Texas 78642-1920

**Respondent's Attorney:** Natasha J. Martin, Graves, Dougherty, Hearon & Moody, 401 Congress Avenue, Suite 2700, Austin, Texas 78701



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	11-Jan-2021	<b>Screening</b>	21-Jan-2021	<b>EPA Due</b>	5-Mar-2021
	<b>PCW</b>	10-Feb-2021				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Liberty Hill
<b>Reg. Ent. Ref. No.</b>	RN104102132
<b>Facility/Site Region</b>	11-Austin
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	60315	<b>No. of Violations</b>	1
<b>Docket No.</b>	2021-0162-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Caleb Olson
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$15,000</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	<b>75.0%</b>	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$11,250</b>
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Notes: Enhancement for seven months of self-reported effluent violations and two orders containing a denial of liability.

<b>Culpability</b>	No	<b>0.0%</b>	Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
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<b>Economic Benefit</b>	<b>0.0%</b>	Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$8,730  
 Estimated Cost of Compliance: \$45,666  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$26,250</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	Adjustment	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$26,250</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$26,250</b>
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<b>DEFERRAL</b>	<b>20.0%</b>	Reduction	<b>Adjustment</b>	<b>-\$5,250</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$21,000</b>
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**Screening Date** 21-Jan-2021

**Docket No.** 2021-0162-MWD-E

**PCW**

**Respondent** City of Liberty Hill

*Policy Revision 4 (April 2014)*

**Case ID No.** 60315

*PCW Revision March 26, 2014*

**Reg. Ent. Reference No.** RN104102132

**Media** Water Quality

**Enf. Coordinator** Caleb Olson

### Compliance History Worksheet

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

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	7	35%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 75%

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

No

**Adjustment Percentage (Subtotal 3)** 0%

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

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

**>> Compliance History Summary**

**Compliance History Notes**

Enhancement for seven months of self-reported effluent violations and two orders containing a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 75%

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 75%

**Screening Date** 21-Jan-2021  
**Respondent** City of Liberty Hill  
**Case ID No.** 60315  
**Reg. Ent. Reference No.** RN104102132  
**Media** Water Quality  
**Enf. Coordinator** Caleb Olson

**Docket No.** 2021-0162-MWD-E

**PCW**

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

**Violation Number**

**Rule Cite(s)**  
 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014477001, Interim II Effluent Limitations and Monitoring Requirements No. 1

**Violation Description**  
 Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

**Base Penalty**

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

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

**>> Programmatic Matrix**

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

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded protective levels. *Escherichia coli* and total phosphorus were also considered. Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

Four quarterly events are recommended for the quarters containing the monthly monitoring periods of September 2019, January 2020, February 2020, March 2020, June 2020, and July 2020.

**Good Faith Efforts to Comply**

Reduction

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

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

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**  **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** City of Liberty Hill  
**Case ID No.** 60315  
**Reg. Ent. Reference No.** RN104102132  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$40,666	30-Sep-2019	25-Jul-2022	2.82	\$382	\$7,643	\$8,025
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	30-Sep-2019	25-Jul-2022	2.82	\$705	n/a	\$705

**Notes for DELAYED costs**

Equipment delayed cost is the estimated amount to purchase two nutrient analyzers and add them to the treatment train to allow early detection of phosphorus and ammonia concentrations during the treatment process. Date required is the end date of the first monthly monitoring period of noncompliance. Final date is the anticipated date of compliance.

Other delayed cost is the estimated amount to determine the cause of noncompliance and make any necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations. Date required is the end date of the first monthly monitoring period of noncompliance. Final date is the anticipated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$45,666

**TOTAL**

\$8,730

City of Liberty Hill  
Docket No. 2021-0162-MWD-E  
TPDES Permit No. WQ0014477001  
Case No. 60315

Effluent Violation Table

	<i>E. coli</i> Daily Max. Conc.	Ammonia Nitrogen Daily Avg. Conc.	Total Phosphorus Daily Avg. Conc.	Total Phosphorus Daily Max. Conc.	Total Phosphorus Daily Avg. Load.
Monitoring Period	Limit = 399 CFU/100mL	Limit = 2 mg/L	Limit = 0.5 mg/L	Limit = 2 mg/L	Limit = 5 lbs/d
September 2019	c	c	0.58	c	c
January 2020	524.7	c	c	c	c
February 2020	c	2.474	c	c	c
March 2020	488.4	c	c	c	c
June 2020	c	c	1.478	2.9	10.432
July 2020	c	c	0.707	c	5.121

Avg. = Average

c = compliant

Conc. = concentration

CFU/100 mL = colony forming units per 100 milliliters

*E. coli* = *Escherichia coli*

lbs/d = pounds per day

Load. = loading

Max. = maximum

mg/L = milligrams per liter

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# Compliance History Report

Compliance History Report for CN602959033, RN104102132, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

**Customer, Respondent, or Owner/Operator:** CN602959033, City of Liberty Hill      **Classification:** SATISFACTORY      **Rating:** 43.73

**Regulated Entity:** RN104102132, LIBERTY HILL REGIONAL WWTP      **Classification:** SATISFACTORY      **Rating:** 43.73

**Complexity Points:** 10      **Repeat Violator:** NO

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

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

**TCEQ Region:** REGION 11 - AUSTIN

**ID Number(s):**  
**STORMWATER PERMIT** TXR05EB91      **WASTEWATER EPA ID** TX0126195  
**WASTEWATER PERMIT** WQ0014477001      **WASTEWATER AUTHORIZATION** R14477001

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

**Date Compliance History Report Prepared:** January 11, 2021

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** January 11, 2016 to January 11, 2021

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Caleb Olson      **Phone:** (817) 588-5856

## Site and Owner/Operator History:

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

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

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

- 1      Effective Date: 08/22/2018      ADMINORDER 2017-0141-MWD-E (1660 Order-Agreed Order With Denial)  
    Classification: Moderate  
    Citation: 30 TAC Chapter 317 317.7(i)  
    Description: Failed to equip a hose bib with an atmospheric vacuum breaker. Specifically, a vacuum breaker was not installed on the hose bib adjacent to the on-site lift station. Failed to test the reduced-pressure principal backflow prevention assembly (RPBA) annually. Specifically, no records of test results of the backflow prevention assembly were available.  
    Classification: Minor  
    Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
            30 TAC Chapter 305, SubChapter F 305.125(17)  
    Description: Failed to submit the annual sludge report. Specifically, the DMR Report was submitted; however, the annual report was not submitted to the TCEQ Region Office and TCEQ Water Quality Compliance Monitoring Team.  
    Classification: Moderate  
    Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
            30 TAC Chapter 305, SubChapter F 305.125(1)  
    Rqmt Prov: TPDES Permit No. WQ0014477001 PERMIT  
    Description: Failed to prevent the unauthorized discharge of wastewater. Specifically, two unauthorized discharges occurred within the previous 18 months.  
    Classification: Moderate  
    Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
    Rqmt Prov: Item 7, Page 7 PERMIT  
    Description: Failed to provide notification of any effluent violation which deviates from the permitted effluent limitation by



more than 40%.

Classification: Moderate

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

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

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

Classification: Minor

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

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failed to comply with permitted effluent limitations

2 Effective Date: 06/16/2020 ADMINORDER 2018-1024-MLM-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: Permit Conds. No. 2.g & Op. Reqs. No. 1 PERMIT

Description: Failed to prevent an unauthorized discharge by failing to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, on May 10, 2018, approximately 750 gallons of wastewater mixture was discharged on the east end of the automatic rotary bar screen unit for the MBR treatment train as a result of the unit being overloaded with hydromulch.

Classification: Moderate

Citation: 30 TAC Chapter 217, SubChapter A 217.3(b)

30 TAC Chapter 217, SubChapter M 217.325(c)

Description: Failed to ensure the safety of all individuals authorized to access a wastewater treatment facility, treatment unit, collection system, or collection unit. Specifically, a permanent stairway was not provided to provide access to the top of the headworks for the MBR treatment train which is approximately 11 feet from ground level. A mobile step ladder was being used to reach the top of the unit. Additionally, permanent walkways were not provided on top of the unit to allow the operators safe a

Classification: Moderate

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

40 CFR Chapter 122, SubChapter D, PT 122, SubPT B 122.26(b)(14)(ix)

40 CFR Chapter 122, SubChapter D, PT 122, SubPT B 122.26(c)

Description: Failed to obtain authorization to discharge storm water. Specifically, wastewater treatment facilities with design flows of 1.0 million gallons per day or more are required to obtain authorization to discharge stormwater under TPDES General Permit No. TXR050000.

Classification: Moderate

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

Rqmt Prov: Other Requirements No. 9 PERMIT

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

Classification: Moderate

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

30 TAC Chapter 319, SubChapter A 319.9(a)

Rqmt Prov: Defs. and Standard Permit Conds. No. 3.a PERMIT

Interim II Eff. Lims. & Mon. Reqs. No. 1 PERMIT

Description: Failed to properly collect effluent samples. Specifically, the chains of custody and effluent lab results for the monthly monitoring periods of April 2018 and May 2018 show that the Respondent collected grab samples instead of composite samples for Carbonaceous Biochemical Oxygen Demand (five-day), Total Suspended Solids, Ammonia Nitrogen, Nitrate-Nitrogen, Total Nitrogen, and Total Phosphorus.

Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(4)

Rqmt Prov: Operational Requirements No. 1 PERMIT

Permit Conditions No. 2.d PERMIT

Description: Failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment. Specifically, the Facility discharged wastewater sludge which accumulated and facilitated an algal bloom, covering approximately 95% of the river's bottom and surface, and sludge pockets existed from approximately 50 feet upstream to approximately 1,000 feet downstream of the Facility

Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(4)

30 TAC Chapter 307 307.4(b)(4)

Rqmt Prov: Operational Requirements No. 1. PERMIT

Permit Conditions No. 2.d PERMIT

Description: Failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment. Specifically, according to the effluent data from November 2016 to May 2018, 28 Ammonia Nitrogen exceedances, 11 Total Phosphorus exceedances, 8 Total Suspended Solids exceedances, and 3 flow exceedances contributed to and facilitated an algal bloom and algae and algae mats continued

Classification: Major

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

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: Permit Conditions No. 2.d PERMIT

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

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	March 18, 2016	(1333820)	Item 14	April 18, 2019	(1573821)
Item 2	April 19, 2016	(1340950)	Item 15	June 20, 2019	(1587232)
Item 3	June 08, 2016	(1354167)	Item 16	July 17, 2019	(1595193)
Item 4	July 20, 2016	(1361156)	Item 17	August 30, 2019	(1590569)
Item 5	August 03, 2016	(1367580)	Item 18	September 20, 2019	(1608364)
Item 6	September 20, 2016	(1374331)	Item 19	October 03, 2019	(1601458)
Item 7	November 18, 2016	(1386425)	Item 21	November 20, 2019	(1621042)
Item 8	December 20, 2016	(1392548)	Item 22	December 20, 2019	(1628380)
Item 9	May 21, 2018	(1502625)	Item 24	January 17, 2020	(1636002)
Item 10	November 19, 2018	(1543468)	Item 25	May 19, 2020	(1662039)
Item 11	December 18, 2018	(1547174)	Item 26	June 19, 2020	(1668579)
Item 12	January 18, 2019	(1565717)			

**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: 01/31/2020 (1642625)  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 2 Date: 02/29/2020 (1649127)  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 3 Date: 03/31/2020 (1655492)  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

- 4 Date: 06/30/2020 (1675531)  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 5 Date: 07/31/2020 (1682305)  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 6 Date: 08/31/2020 (1688864)  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 7 Date: 09/30/2020 (1695233)  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

**F. Environmental audits:**

N/A

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

N/A

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

N/A

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

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF LIBERTY HILL  
RN104102132**

**§  
§  
§  
§  
§**

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2021-0162-MWD-E**

**I. JURISDICTION AND STIPULATIONS**

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 Liberty Hill (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, represented by Ms. Natasha J. Martin of the law firm of Graves, Dougherty, Hearon & Moody, together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located approximately 5,000 feet north of the South Fork San Gabriel River and 2,000 feet east of United States Highway 183 in Williamson County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$26,250 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of \$5,250 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$21,000 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the

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

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

## **II. ALLEGATIONS**

During a record review conducted on October 22, 2020, an investigator documented that the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014477001, Interim II Effluent Limitations and Monitoring Requirements No. 1, as shown in the effluent violation table below:



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

2. The Respondent shall implement and complete an SEP as set forth in Section I, Paragraph No. 4. The amount of \$21,000 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall, within 260 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0014477001, 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 Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

4. All relief not expressly granted in this Order is denied.

5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.



### SIGNATURE PAGE

#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
12/13/2021

\_\_\_\_\_  
Date

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

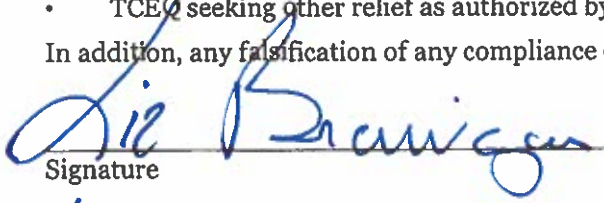
I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Liz Branigan  
Name (Printed or typed)  
Authorized Representative of  
City of Liberty Hill

  
\_\_\_\_\_  
August 6, 2021  
Date  
\_\_\_\_\_  
Mayor  
Title

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

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

**Attachment A**  
**Docket Number: 2021-0162-MWD-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	City of Liberty Hill
<b>Penalty Amount:</b>	Twenty-One Thousand Dollars (\$21,000)
<b>SEP Offset Amount:</b>	Twenty-One Thousand Dollars (\$21,000)
<b>Type of SEP:</b>	Compliance
<b>Project Name:</b>	<i>WWTP Improvements</i>
<b>Location of SEP:</b>	Williamson County

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

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment facility (the “Facility”) which are described in this Agreed Order. This Agreed Order cites violations at Respondent’s Facility.

**1. Project Description**

A. Project

Respondent shall hire a contractor to purchase two nutrient analyzers to be added to the treatment line at the Facility. The analyzers will detect phosphorous and ammonia concentrations in the effluent during the treatment process, and notices can be set to detect levels below the permitted limits. Detection will occur early enough in the treatment process to allow operators to adjust treatment protocols consistent with allowable methods in the permit (such as adding alum or other chemicals) to lower concentration levels prior to any discharge of the treated effluent. The nutrient analyzers will ensure that the Facility is able to operate under its permitted limits and achieve lower concentrations for an added benefit to the receiving stream. The analyzers will allow the Facility to detect rising levels of nutrients, react to adjust levels, and lower the nutrient concentrations in the effluent discharged to the river. Less ammonia and phosphorous from the outfall will benefit aquatic life by reducing algae growth, thus, supporting higher oxygen levels. Sampling of both the effluent and the water quality conditions in the river will show a measurable correlation when using the analyzers.

Specifically, the SEP Offset Amount shall be used for two nutrient analyzers (the “Project”). The SEP will be performed in accordance with all federal, state, and local

environmental laws and regulations, including permits that may be required prior to commencement of the SEP.

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

Respondent's signature affixed to the attached Agreed Order certifies that Respondent has no prior commitment to perform this Project and that the SEP is being 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 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. Minimum Expenditure**

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

**Estimated Cost Schedule**

<b>Item</b>	<b>Quantity</b>	<b>Cost</b>	<b>Units</b>	<b>Total</b>
Phosphax SC LR Phosphate Analyzer	1	\$19,166	Each	\$19,166
Amtax SC Ammonium Analyzer	1	\$21,500	Each	\$21,500
<b>Total</b>				<b>\$40,666</b>

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 130 days after the effective date of this Agreed Order.

**3. Records and Reporting**

**A. Progress Report**

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 90 days after the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 60-day period and setting forth a schedule for achieving completion of the Project within the 130-day timeframe set forth in Section 2, Performance Schedule, above. Thereafter, Respondent shall submit progress reports to the TCEQ containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

Reporting Schedule

<b>Days from Effective Order Date</b>	<b>Information Required</b>
30	Notice of Commencement describing actions taken to begin project
90	Actions completed during previous 60-day period
130	Notice of SEP completion

**B. Final Report**

Within 130 days after the effective date of the Agreed Order, or within 30 days after completion of the SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices or receipts corresponding to the itemized list in paragraph 3.B.1., above;
3. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
4. Copies of proof of advertisement of invitation for bids, if applicable;
5. A certified statement of SEP completion and document authentication;
6. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project; and
7. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate compliance with this Attachment A.

**C. Address**

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

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

#### 4. **Additional Information and Access**

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

#### 5. **Failure to Fully Perform**

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

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

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

#### 6. **Publicity**

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

#### 7. **Recognition**

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

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

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