

Executive Summary – Enforcement Matter – Case No. 60479
City of Pflugerville
RN101611440
Docket No. 2021-0376-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

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

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Pflugerville Upper Gilleland, 15500 Sun Light Near Way, #B, Pflugerville, Travis County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 24, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$72,500

Total Paid to General Revenue: \$72,500

Total Due to General Revenue: \$0

Payment Plan: N/A

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: January 4, 2021

Date(s) of NOE(s): February 11, 2021

Executive Summary – Enforcement Matter – Case No. 60479
City of Pflugerville
RN101611440
Docket No. 2021-0376-MWD-E

Violation Information

Failed to comply with permitted effluent limitations for annual average flow, ammonia nitrogen, *Escherichia coli*, and total suspended solids [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011845002, Interim II Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to, within 130 days, submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0011845002, 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.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Ellen Ojeda, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-2581; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: The Honorable Victor Gonzales, Mayor, City of Pflugerville, P.O. Box 589, Pflugerville, Texas 78691

Brandon Pritchett, Public Utility Director, City of Pflugerville, P.O. Box 589, Pflugerville, Texas 78691

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	1-Mar-2021	Screening	8-Mar-2021	EPA Due	5-Mar-2021
	PCW	9-Mar-2021				

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

CASE INFORMATION			
Enf./Case ID No.	60479	No. of Violations	2
Docket No.	2021-0376-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Ellen Ojeda
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$36,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	100.0%	Adjustment	Subtotals 2, 3, & 7	\$36,250
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Notes: Enhancement for seven months of self-reported effluent violations, one agreed order containing a denial of liability, one agreed order without a denial of liability, and repeat violator designation.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$1,130
 Estimated Cost of Compliance: \$10,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$72,500
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$72,500
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$72,500
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$72,500
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Screening Date 8-Mar-2021

Docket No. 2021-0376-MWD-E

PCW

Respondent City of Pflugerville

Policy Revision 4 (April 2014)

Case ID No. 60479

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101611440

Media Water Quality

Enf. Coordinator Ellen Ojeda

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>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
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) 80%

>> Repeat Violator (Subtotal 3)

Yes

Adjustment Percentage (Subtotal 3) 25%

>> 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, one agreed order containing a denial of liability, one agreed order without a denial of liability, and repeat violator designation.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 105%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 8-Mar-2021
Respondent City of Pflugerville
Case ID No. 60479
Reg. Ent. Reference No. RN101611440
Media Water Quality
Enf. Coordinator Ellen Ojeda

Docket No. 2021-0376-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. WQ0011845002, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="100.0%"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> Programmatic Matrix

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

Matrix Notes A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amount of pollutants exceeded levels protective of human health and the environment. Flow was also evaluated. Human health or the environment has been exposed to pollutants that 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="checkbox"/>
weekly	<input type="checkbox"/>
monthly	<input checked="" type="checkbox"/>
quarterly	<input type="checkbox"/>
semiannual	<input type="checkbox"/>
annual	<input type="checkbox"/>
single event	<input type="checkbox"/>

Violation Base Penalty

One monthly event is recommended for the month of September 2020.

Good Faith Efforts to Comply

Reduction

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

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 Pflugerville
Case ID No. 60479
Reg. Ent. Reference No. RN101611440
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-Jan-2020	5-May-2022	2.26	\$1,130	n/a	\$1,130

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and make any necessary repairs/adjustments to the Facility to return to compliance with the permitted effluent limitations. Date required is the end date of the first month of noncompliance and the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1,130

Screening Date	8-Mar-2021	Docket No.	2021-0376-MWD-E	PCW
Respondent	City of Pflugerville			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	60479			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101611440			
Media	Water Quality			
Enf. Coordinator	Ellen Ojeda			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0011845002, 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	\$25,000	

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Major	Moderate	Minor	
	Actual	Potential		Percent 15.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes
 A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amount of pollutants exceeded levels protective of human health and the environment. Total suspended solids, Escherichia coli ("E. coli"), and flow were also evaluated. 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 \$21,250

\$3,750

Violation Events

Number of Violation Events	3	244	Number of violation days
daily			
weekly			
monthly			
quarterly	x		
semiannual			
annual			
single event			

Violation Base Penalty \$11,250

Three quarterly events are recommended for the quarters containing the months of January 2020, February 2020, March 2020, April 2020, May 2020, June 2020, July 2020, and August 2020.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	
Notes	The Respondent does not meet the good faith criteria for this violation.	

Violation Subtotal \$11,250

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

Estimated EB Amount \$0 **Violation Final Penalty Total** \$22,500

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

Economic Benefit Worksheet

Respondent City of Pflugerville
Case ID No. 60479
Reg. Ent. Reference No. RN101611440
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

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

See Economic Benefit for Violation No. 1.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

City of Pflugerville
Docket No. 2021-0376-MWD-E
TPDES Permit No. WQ0011845002

Effluent Violation Table

Monitoring Period	Flow	Ammonia Nitrogen			<i>E. coli</i>	Total Suspended Solids		
	Annual Average Flow	Daily Average Conc.	Daily Max. Conc.	Daily Average Loading	Daily Max. Conc.	Daily Average Conc.	Daily Average Loading	Daily Max. Conc.
	Limit= 5.3 MGD	Limit = 2 mg/L	Limit = 10 mg/L	Limit = 88 lbs/d	Limit = 379 CFU/100 mL	Limit= 5 mg/L	Limit = 221 lbs/d	Limit = 20 mg/L
January 2020	c	c	c	c	461	5.1	c	c
February 2020	c	c	c	c	c	5.5	261.5	c
March 2020	c	c	c	c	c	5.3	270.7	22
April 2020	5.326	c	c	c	c	c	c	c
May 2020	5.348	c	c	c	c	c	c	c
June 2020	5.441	c	c	c	c	c	c	c
July 2020	5.565	c	c	c	c	c	c	c
August 2020	5.664	3.23	c	166.9	c	c	c	c
September 2020	5.742	6.45	15.1	329.1	c	c	c	c

E. coli = *Escherichia coli*
Conc.= Concentration
Max.= Maximum
c= compliant

mg/L= milligrams per liter
lbs/d = pounds per day
CFU/100 mL= colony forming units per 100 milliliters
MGD= million gallons per day

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Compliance History Report

Compliance History Report for CN600412985, RN101611440, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN600412985, City of Pflugerville **Classification:** SATISFACTORY **Rating:** 26.29

Regulated Entity: RN101611440, CITY OF PFLUGERVILLE UPPER GILLELAND **Classification:** SATISFACTORY **Rating:** 47.50

Complexity Points: 9 **Repeat Violator:** YES

CH Group: 08 - Sewage Treatment Facilities

Location: 15500 Sun Light Near Way, #B, in the City of Pflugerville, Travis County, Texas

TCEQ Region: REGION 11 - AUSTIN

ID Number(s):

WASTEWATER PERMIT WQ0011845002

WASTEWATER EPA ID TX0094927

WASTEWATER AUTHORIZATION R11845002

STORMWATER PERMIT TXR05BN19

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

Date Compliance History Report Prepared: March 05, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 05, 2016 to March 05, 2021

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

Name: Ellen Ojeda

Phone: (512) 239-2581

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: 02/07/2017 ADMINORDER 2016-1123-MWD-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)
Rqmt Prov: Effluent Limits PERMIT
Description: Failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011845002, Interim 1 Effluent Limitations and Monitoring Requirements No. 1
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Rqmt Prov: Effluent Reporting Requirements PERMIT
Description: Failed to timely submit monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit the DMR for the quarterly biomonitoring period ending March 31, 2016, by the 20th day of the following month, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0011845002, Chronic Biomonitoring Requirements: Freshwater No. 3, b.3

- 2 Effective Date: 07/20/2020 ADMINORDER 2019-0614-MWD-E (Findings Order-Agreed Order Without Denial)
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(4)

Rqmt Prov: Permit Conditions No. 2.g. (page 9) PERMIT

Description: Failed to take all reasonable steps to minimize or prevent any discharge, sludge use, disposal, or other permit violation which has a reasonable likelihood of adversely affecting human health or the environment, in violation of TEX. WATER CODE §26.121(a)(1), 30 TEX. ADMIN. CODE §305.125(1) and (4), and Texas Pollutant Discharge Elimination System Permit No. WQ0011845002, Permit Conditions No. 2.d.

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 31, 2016	(1333117)
Item 2	July 19, 2016	(1360472)
Item 3	August 26, 2016	(1366910)
Item 4	December 21, 2016	(1391866)
Item 5	March 28, 2017	(1412463)
Item 6	July 06, 2017	(1426616)
Item 7	July 19, 2017	(1441179)
Item 8	July 27, 2017	(1428565)
Item 9	September 06, 2017	(1444853)
Item 10	October 19, 2017	(1457317)
Item 11	December 15, 2017	(1462762)
Item 12	January 29, 2018	(1475871)
Item 13	March 14, 2018	(1491730)
Item 14	May 21, 2018	(1501939)
Item 15	June 13, 2018	(1509049)
Item 16	July 16, 2018	(1515364)
Item 18	September 18, 2018	(1528599)
Item 19	October 24, 2018	(1534929)
Item 20	November 20, 2018	(1542784)
Item 21	December 28, 2018	(1546524)
Item 22	January 23, 2019	(1563686)
Item 23	March 18, 2019	(1563685)
Item 24	April 19, 2019	(1573157)
Item 25	May 24, 2019	(1585901)
Item 26	June 19, 2019	(1585902)
Item 27	July 18, 2019	(1594505)
Item 28	August 26, 2019	(1600805)
Item 29	September 19, 2019	(1607722)
Item 30	November 20, 2019	(1620375)
Item 31	December 06, 2019	(1635355)
Item 32	December 17, 2019	(1627727)
Item 33	February 03, 2021	(1693126)
Item 34	February 10, 2021	(1702118)

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: 03/31/2020 (1654837)
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: 04/30/2020 (1661402)
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: 05/31/2020 (1667928)		
	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 (1674877)		
	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 (1681647)		
	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 (1688224)		
	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 (1694582)		
	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

Self Report? YES For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

10 Date: 05/24/2017 (1407416)

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Page 9, Item 2.g PERMIT

Description: Failed to prevent the unauthorized discharge of wastewater. Specifically, during the 18 months preceding the investigation, 2 unauthorized discharges were reported (December 12, 2016 and February 8, 2017).

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
No. 7.c, Page 7 PERMIT

Description: Failed to provide notification of any effluent violation which deviates from the permitted effluent limitation by more than 40%. Specifically, during the record review period of February 2016 to February 2017, 6 daily max and 5 daily average violations of E.Coli and 1 daily average violation of TSS exceeded the permitted limit by more than 40%. The exceedances were not reported to the Region and Enforcement Division within 5 days. The 40% exceedances were noted on the DMRs.

11 Date: 05/31/2017 (1432618)

Classification: Moderate

Self Report? YES For Informational Purposes Only

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

12 Date: 08/31/2017 (1451439)

Classification: Moderate

Self Report? YES For Informational Purposes Only

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

13 Date: 01/31/2018 (1488051)

Classification: Moderate

Self Report? YES For Informational Purposes Only

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

14 Date: 02/22/2018 (1467526)

Classification: Major

Self Report? NO For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
WQ0011845002 PERMIT

Description: Failure to prevent the unauthorized discharge of wastewater. Specifically, on January 18, 2018, approximately 204,000 gallons of wastewater discharged from a punctured force sewer main at the intersection of Weiss Lane and Jesse Bohls Drive into a tributary of Wilbarger Creek.

15 Date: 03/31/2018 (1494997)

Classification: Moderate

Self Report? YES For Informational Purposes Only

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

16 Date: 07/31/2018 (1521416) Classification: Moderate
 Self Report? YES For Informational Purposes Only
 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

17 Date: 01/31/2019 (1563684) Classification: Moderate
 Self Report? YES For Informational Purposes Only
 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

18 Date: 05/17/2019 (1558070) Classification: Moderate
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.1(a)
 30 TAC Chapter 317 317.4(d)(3)
 Operational Requirements No. 1, Page 13 PERMIT
 Description: Failed to properly operate and maintain the Facility and all of its systems of
 collection, treatment, and disposal. Classification: Moderate
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Def. & Std. Permit Cond. No. 2.e, Pg. 4 PERMIT
 Description: Failed to properly calculate the daily average concentration for E. coli.

19* Date: 01/31/2020 (1641970) Classification: Moderate
 Self Report? YES For Informational Purposes Only
 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

20* Date: 02/29/2020 (1648486) Classification: Moderate
 Self Report? YES For Informational Purposes Only
 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

21* Date: 03/31/2020 (1654837) Classification: Moderate
 Self Report? YES For Informational Purposes Only
 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

22* Date: 04/30/2020 (1661402) Classification: Moderate
 Self Report? YES For Informational Purposes Only
 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

23* Date: 05/31/2020 (1667928) Classification: Moderate

Self Report? YES For Informational Purposes Only

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

24* Date: 06/30/2020 (1674877)

Classification: Moderate

Self Report? YES For Informational Purposes Only

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

25* Date: 07/31/2020 (1681647)

Classification: Moderate

Self Report? YES For Informational Purposes Only

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

26* Date: 08/31/2020 (1688224)

Classification: Moderate

Self Report? YES For Informational Purposes Only

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

27 Date: 09/30/2020 (1694582)

Classification: Moderate

Self Report? YES For Informational Purposes Only

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

* NOVs applicable for the Compliance History rating period 9/1/2015 to 8/31/2020

Appendix B

All Investigations Conducted During Component Period March 05, 2016 and March 05, 2021

Item 1 March 18, 2016** (1326358) For Informational Purposes Only

Item 2* March 31, 2016** (1333117) For Informational Purposes Only

Item 3 May 06, 2016** (1340260) For Informational Purposes Only

Item 4 May 31, 2016** (1347079) For Informational Purposes Only

Item 5 June 24, 2016** (1337090) For Informational Purposes Only

Item 6 June 30, 2016** (1353491) For Informational Purposes Only

Item 7* July 19, 2016** (1360472) For Informational Purposes Only

Item 8* August 26, 2016** (1366910) For Informational Purposes Only

(1373623)

Item 9 September 23, 2016** For Informational Purposes Only
(1379781)

Item 10 November 02, 2016** For Informational Purposes Only
(1385724)

Item 11 December 01, 2016** For Informational Purposes Only
(1391866)

Item 12* December 21, 2016** For Informational Purposes Only
(1398481)

Item 13 February 01, 2017** For Informational Purposes Only
(1405393)

Item 14 March 07, 2017** For Informational Purposes Only
(1412463)

Item 15* March 28, 2017** For Informational Purposes Only
(1407416)

Item 16 May 23, 2017** For Informational Purposes Only
(1426616)

Item 17* July 06, 2017** For Informational Purposes Only
(1441179)

Item 18* July 19, 2017** For Informational Purposes Only
(1428565)

Item 19* July 27, 2017** For Informational Purposes Only
(1444853)

Item 20* September 06, 2017** For Informational Purposes Only
(1451439)

Item 21 October 03, 2017** For Informational Purposes Only
(1457317)

Item 22* October 19, 2017** For Informational Purposes Only
(1462762)

Item 23* December 15, 2017** For Informational Purposes Only
(1475871)

Item 24* January 29, 2018** For Informational Purposes Only
(1467526)

Item 25 February 22, 2018** For Informational Purposes Only
(1491730)

Item 26* March 14, 2018** For Informational Purposes Only
(1494997)

Item 27 April 24, 2018** For Informational Purposes Only
(1501939)

Item 28* May 21, 2018** For Informational Purposes Only
(1509049)

Item 29* June 13, 2018** For Informational Purposes Only
(1515364)

Item 30* July 16, 2018** For Informational Purposes Only

Item 31	September 18, 2018**	(1521416) For Informational Purposes Only
Item 32*	October 24, 2018**	(1534929) For Informational Purposes Only
Item 33*	November 20, 2018**	(1542784) For Informational Purposes Only
Item 34*	December 28, 2018**	(1546524) For Informational Purposes Only
Item 35*	January 23, 2019**	(1563686) For Informational Purposes Only
Item 36	February 27, 2019**	(1563684) For Informational Purposes Only
Item 37*	March 18, 2019**	(1563685) For Informational Purposes Only
Item 38	April 12, 2019**	(1551133) For Informational Purposes Only
Item 39*	April 19, 2019**	(1573157) For Informational Purposes Only
Item 40	May 16, 2019**	(1558070) For Informational Purposes Only
Item 41*	May 24, 2019**	(1585901) For Informational Purposes Only
Item 42*	June 19, 2019**	(1585902) For Informational Purposes Only
Item 43*	July 18, 2019**	(1594505) For Informational Purposes Only
Item 44*	August 26, 2019**	(1600805) For Informational Purposes Only
Item 45	September 18, 2019**	(1591684) For Informational Purposes Only
Item 46*	September 19, 2019**	(1607722) For Informational Purposes Only
Item 47*	November 20, 2019**	(1620375) For Informational Purposes Only
Item 48*	December 06, 2019**	(1635355) For Informational Purposes Only
Item 49*	December 17, 2019**	(1627727) For Informational Purposes Only
Item 50	February 18, 2020**	(1641970) For Informational Purposes Only
Item 51	March 16, 2020**	(1648486) For Informational Purposes Only

Item 52	April 17, 2020**	(1654837) For Informational Purposes Only
Item 53	May 19, 2020**	(1661402) For Informational Purposes Only
Item 54	June 16, 2020**	(1667928) For Informational Purposes Only
Item 55	September 08, 2020	(1681647) For Informational Purposes Only
Item 56	September 16, 2020	(1688224) For Informational Purposes Only
Item 57	October 13, 2020	(1694582) For Informational Purposes Only
Item 58*	February 03, 2021	(1693126) For Informational Purposes Only
Item 59*	February 10, 2021	(1702118) For Informational Purposes Only
Item 60	February 23, 2021	(1698482) For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2015 and 08/31/2020.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF PFLUGERVILLE
RN101611440**

**§
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§
§
§**

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2021-0376-MWD-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 Pflugerville (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 presented this Order to the Commission.

The Respondent understands 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 Respondent agrees 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 Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located at 15500 Sun Light Near Way, #B in Pflugerville, Travis 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 a record review conducted on January 4, 2021, an investigator documented that the Respondent did not comply with permitted effluent limitations, as shown in the effluent violation table below:

Monitoring Period	Flow	Ammonia Nitrogen			<i>E. coli</i>	Total Suspended Solids		
	Annual Average Flow	Daily Average Conc.	Daily Max. Conc.	Daily Average Loading	Daily Max. Conc.	Daily Average Conc.	Daily Average Loading	Daily Max. Conc.
	Limit= 5.3 MGD	Limit = 2 mg/L	Limit = 10 mg/L	Limit = 88 lbs/d	Limit = 379 CFU/100 mL	Limit= 5 mg/L	Limit = 221 lbs/d	Limit = 20 mg/L
January 2020	c	c	c	c	461	5.1	c	c
February 2020	c	c	c	c	c	5.5	261.5	c
March 2020	c	c	c	c	c	5.3	270.7	22
April 2020	5.326	c	c	c	c	c	c	c
May 2020	5.348	c	c	c	c	c	c	c
June 2020	5.441	c	c	c	c	c	c	c
July 2020	5.565	c	c	c	c	c	c	c
August 2020	5.664	3.23	c	166.9	c	c	c	c
September 2020	5.742	6.45	15.1	329.1	c	c	c	c

E. coli = *Escherichia coli*
Conc.= Concentration
Max.= Maximum
c= compliant

mg/L= milligrams per liter
lbs/d = pounds per day
CFU/100 mL= colony forming units per 100 milliliters
MGD= million gallons per day

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is 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, 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. WQ0011845002, Interim II Effluent Limitations and Monitoring Requirements No. 1.
3. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent 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.
4. An administrative penalty in the amount of \$72,500 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid the \$72,500 penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's 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 Pflugerville, Docket No. 2021-0376-MWD-E" to:

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

2. The Respondent shall, within 130 days after the effective date of this Order, submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0011845002, 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. The certification shall include detail supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. 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

3. All relief not expressly granted in this Order is denied.
4. 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.
5. 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.
6. 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.
7. 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 in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. 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.
10. 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.

11. 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



3/2/2022

For the Executive Director

Date

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

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

7/26/2021
Date

Braden Pritchett

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

Public Utility Director
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.