

Executive Summary – Enforcement Matter – Case No. 60921
City of Liberty Hill
RN104102132
Docket No. 2021-0806-EAQ-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

EAQ

Small Business:

No

Location(s) Where Violation(s) Occurred:

Liberty Hill Regional WWTF, 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: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 18, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$17,500

Amount Deferred for Expedited Settlement: \$3,500

Total Paid to General Revenue: \$14,000

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: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: March 31, 2021 through May 3, 2021

Date(s) of NOE(s): May 12, 2021

Executive Summary – Enforcement Matter – Case No. 60921
City of Liberty Hill
RN104102132
Docket No. 2021-0806-EAQ-E

Violation Information

Failed to obtain approval of an Edwards Aquifer Protection Plan prior to commencing a regulated activity over the Edwards Aquifer Contributing Zone. Specifically, the Respondent constructed a wastewater treatment facility, disturbing approximately 10.5 acres, without obtaining approval of a Contributing Zone Plan [30 TEX. ADMIN. CODE § 213.23(a)(1)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By May 21, 2021, the Respondent prepared and submitted a Contributing Zone Plan and obtained approval under Edwards Aquifer Protection Plan ID No. 11002534.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Alejandro Laje, Enforcement Division, Enforcement Team 1, MC R-04, (512) 239-2547; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	17-May-2021	Screening	10-Jun-2021	EPA Due	
	PCW	25-Oct-2021				

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

CASE INFORMATION			
Enf./Case ID No.	60921	No. of Violations	1
Docket No.	2021-0806-EAQ-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Caleb Olson
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$10,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	85.0% Adjustment	Subtotals 2, 3, & 7	\$8,500
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Notes: Enhancement for 11 self-reported effluent violations, two NOVs with dissimilar violations, and three orders containing a denial of liability. Reduction for one notice of intent to audit.

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	-\$1,000
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$52
 Estimated Cost of Compliance: \$7,500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$17,500
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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	\$17,500
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$17,500
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DEFERRAL	20.0% Reduction	Adjustment	-\$3,500
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$14,000
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Screening Date 10-Jun-2021

Docket No. 2021-0806-EAQ-E

PCW

Respondent City of Liberty Hill

Policy Revision 5 (January 28, 2021)

Case ID No. 60921

PCW Revision February 11, 2021

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>)	0	0%
	Other written NOVs	13	26%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	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>)	1	-1%
	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) 85%

>> 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 11 self-reported effluent violations, two NOVs with dissimilar violations, and three orders containing a denial of liability. Reduction for one notice of intent to audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 85%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 85%

Screening Date 10-Jun-2021
Respondent City of Liberty Hill
Case ID No. 60921
Reg. Ent. Reference No. RN104102132
Media Water Quality
Enf. Coordinator Caleb Olson

Docket No. 2021-0806-EAQ-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 213.23(a)(1)

Violation Description

Failed to obtain approval of an Edwards Aquifer Protection Plan prior to commencing a regulated activity over the Edwards Aquifer Contributing Zone. Specifically, the Respondent constructed a wastewater treatment facility, disturbing approximately 10.5 acres, without obtaining approval of a Contributing Zone Plan ("CZP").

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 20.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$20,000

\$5,000

Violation Events

Number of Violation Events 2 51 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$10,000

Two monthly events are recommended from the investigation start date (March 31, 2021) to the date of compliance (May 21, 2021).

Good Faith Efforts to Comply

10.0%

Reduction \$1,000

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

Extraordinary		
Ordinary		X
N/A		

Notes The Respondent achieved compliance by May 21, 2021.

Violation Subtotal \$9,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$52

Violation Final Penalty Total \$17,500

This violation Final Assessed Penalty (adjusted for limits) \$17,500

Economic Benefit Worksheet

Respondent City of Liberty Hill
Case ID No. 60921
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				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	\$7,500	31-Mar-2021	21-May-2021	0.14	\$52	n/a	\$52
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Permit Cost is the amount to prepare and submit a CZP, and obtain approval. Date required is the investigation start date. Final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$7,500

TOTAL \$52

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN602959033, RN104102132, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN602959033, City of Liberty Hill **Classification:** SATISFACTORY **Rating:** 42.14

Regulated Entity: RN104102132, LIBERTY HILL REGIONAL WWTP **Classification:** SATISFACTORY **Rating:** 42.14

Complexity Points: 11 **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):
EDWARDS AQUIFER PERMIT 11002534 **STORMWATER PERMIT** TXR05EB91
WASTEWATER EPA ID TX0126195 **WASTEWATER PERMIT** WQ0014477001
WASTEWATER AUTHORIZATION R14477001

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: October 25, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 25, 2016 to October 25, 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

See addendum for information regarding federal actions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	November 18, 2016	(1386425)	Item 11	August 30, 2019	(1590569)
Item 2	December 20, 2016	(1392548)	Item 12	September 20, 2019	(1608364)
Item 3	May 21, 2018	(1502625)	Item 13	October 03, 2019	(1601458)
Item 4	November 19, 2018	(1543468)	Item 15	November 20, 2019	(1621042)
Item 5	December 18, 2018	(1547174)	Item 16	December 20, 2019	(1628380)
Item 6	January 18, 2019	(1565717)	Item 18	January 17, 2020	(1636002)
Item 8	April 18, 2019	(1573821)	Item 19	May 19, 2020	(1662039)
Item 9	June 20, 2019	(1587232)	Item 20	June 19, 2020	(1668579)
Item 10	July 17, 2019	(1595193)			

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: 10/31/2020 (1718299)			
	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: 11/30/2020 (1718300)			
	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: 12/31/2020 (1718301)			
	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: 01/31/2021 (1731356)			
	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: 02/28/2021 (1731357)
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: 03/19/2021 (1697735)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 217, SubChapter M 217.330(a)
Description: Failed to provide an air gap or a reduced-pressure backflow assembly (RPBA) between a drinking water supply system and any part of a wastewater treatment facility or collection system.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 217, SubChapter A 217.3(b)
30 TAC Chapter 217, SubChapter C 217.60(d)(2)(B)(iii)
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
Operational Requirements No. 1, Page 13 PERMIT
Description: Failed to ensure that all domestic wastewater treatment facilities, treatment units, collection systems, collection system units, and associated components must be installed, operated, and maintained in accordance with the engineering report, the associated plans and specifications approved by the executive director, and to ensure continuous compliance with all applicable statutory and regulatory requirements.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 217, SubChapter A 217.3(b)
30 TAC Chapter 217, SubChapter E 217.123(d)
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
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.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 217, SubChapter A 217.3(b)
30 TAC Chapter 217, SubChapter M 217.325
30 TAC Chapter 217, SubChapter M 217.325(e)
Description: Failed to ensure that all guard rails, railings, ladders, walkways, and associated appurtenances are designed and constructed to ensure the safety of individuals at the wastewater treatment facility (WWTF).
Self Report? NO Classification: Moderate
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)
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.
Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Operational Requirements No. 1, Page 13 PERMIT
Permit Conditions No. 2.g, Page 9 PERMIT
Description: Failed to prevent the unauthorized discharge of wastewater.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Permit Conditions No. 1.a, Page 8 PERMIT
Description: Failed to properly complete and submit discharge monitoring reports (DMRs).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)
Part III, Sec. C.1(a) & (b), Pgs. 71-72 PERMIT
Part III, Section A.3(e), Page 61 PERMIT
Part III, Section A.4, Page 62 PERMIT
Part III, Section B.1(b), Pages 65-66 PERMIT
Part III, Section B.2(c)(1), Page 67 PERMIT
Part IV, Section A.1, Page 86 PERMIT
Part IV, Section B.1(a), Page 88 PERMIT
Description: Failed to properly develop and implement a Stormwater Pollution Prevention Plan (SWP3) in accordance with the requirements established under the Multi-Sector General Permit (MSGP).

	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 281, SubChapter A 281.25(a)(4)		
	Description:	Failed to obtain authorization to discharge storm water associated with construction activities.		
7	Date:	03/31/2021 (1731358)		
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
8	Date:	04/30/2021 (1742950)		
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
9	Date:	05/31/2021 (1748582)		
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
10	Date:	06/30/2021 (1753618)		
	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		
11	Date:	07/31/2021 (1759002)		
	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		
12	Date:	08/31/2021 (1768360)		
	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		
13	Date:	09/03/2021 (1736574)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 281, SubChapter A 281.25(a)(4) Part III, Sec. C.1(a) & (b), Pgs. 71-72 PERMIT Part III, Section A.3(e), Page 61 PERMIT Part III, Section A.4, Page 62 PERMIT Part III, Section B.1(b), Pages 65-66 PERMIT Part III, Section B.2(c)(1), Page 67 PERMIT Part IV, Section A.1, Page 86 PERMIT Part IV, Section B.1(a), Page 88 PERMIT		
	Description:	Failed to properly develop and implement a Stormwater Pollution Prevention Plan (SWP3) in accordance with the requirements established under the Multi-Sector General Permit (MSGP).		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 281, SubChapter A 281.25(a)(4)		
	Description:	Failed to obtain authorization to discharge storm water associated with construction activities.		

F. Environmental audits:

Notice of Intent Date: 06/18/2021 (1745952)
No DOV Associated

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

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: LIBERTY HILL REGIONAL WWTP

Reg Entity Add: 5000' N SOUTH FORK SAN GABRIEL RIVER AND

Reg Entity City: WILLIAMSON COUNTY

Reg Entity No: RN104102132

EPA Case No: 06-2021-1730

Order Issue Date (yyyymmdd): 20210624

Case Result:

Statute: CWA **Sect of Statute:** 301/402

Classification: Minor

Program: NPDES - Base Program **Citation:**

Violation Type:

Cite Sect:

Cite Part:

Enforcement Action: Administrative Compliance Orders

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. 2021-0806-EAQ-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 \$17,500 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$14,000 of the penalty and \$3,500 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN.

CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that by May 21, 2021, the Respondent prepared and submitted a Contributing Zone Plan ("CZP"), and obtained approval under Edwards Aquifer Protection Plan ID No. 11002534.

II. ALLEGATIONS

During an investigation conducted from March 31, 2021 through May 3, 2021, an investigator documented that the Respondent failed to obtain approval of an Edwards Aquifer Protection Plan prior to commencing a regulated activity over the Edwards Aquifer Contributing Zone, in violation of 30 TEX. ADMIN. CODE § 213.23(a)(1). Specifically, the Respondent constructed a wastewater treatment facility, disturbing approximately 10.5 acres, without obtaining approval of a CZP.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Liberty Hill, Docket No. 2021-0806-EAQ-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. All relief not expressly granted in this Order is denied.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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

7/19/2022


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

6 June 2022

Date

Liz Branigan

Name (Printed or typed)
Authorized Representative of
City of Liberty Hill

Mayor

Title

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