

Executive Summary – Enforcement Matter – Case No. 63830

City of Pflugerville

RN101611440

Docket No. 2023-0461-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM – WQ, 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: July 19, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$164,425

Amount Deferred for Expedited Settlement: \$32,885

Total Paid to General Revenue: \$131,540

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: MWD: Yes; WQ: No

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: January 24, 2023 and August 30, 2023

Date(s) of NOE(s): March 23, 2023 and October 12, 2023

Executive Summary – Enforcement Matter – Case No. 63830

City of Pflugerville

RN101611440

Docket No. 2023-0461-MLM-E

Violation Information

1. Failed to maintain authorization to discharge stormwater associated with wastewater treatment activities. Specifically, authorization under Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR05BN19 expired on August 14, 2021, and the Respondent continued to operate [30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 122.26(c)].
2. Failed maintain calibration records and the results of analyses or measurements. Specifically, calibration records for the dissolved oxygen meter were not maintained each day that samples are analyzed, for the months of January, February, November, and December 2022 [30 TEX. ADMIN. CODE §§ 305.125(1) and (11) and 319.7(a) and TPDES Permit No. WQ0011845002, Monitoring and Reporting Requirements No. 3.b].
3. Failed to maintain quality assurance/quality control ("QA/QC") records and the results of analyses or measurements. Specifically, QA/QC records for the pH meter were not maintained for the months of January, February, November, and December 2022 [30 TEX. ADMIN. CODE §§ 305.125(1) and (11) and 319.7(a) and (c) and TPDES Permit No. WQ0011845002, Monitoring and Reporting Requirements Nos. 3.b and 3.c.vi].
4. Failed to transfer only Type I reclaimed water that meets quality limits. Specifically, the *Escherichia coli* maximum concentration, for September 2022, exceeded the authorized limit of 75 most probable number per 100 milliliters ("MPN/100 mL") with an amount of 192 MPN/100 mL [30 TEX. ADMIN. CODE § 210.33(1), TEX. WATER CODE § 26.121(a)(1), and Authorization for Reclaimed Water No. R11845002, Specific Uses and Quality Standards for Reclaimed Water No. III.(c)(4)].
5. Failed to comply with permitted effluent limitations for carbonaceous biochemical oxygen demand (5-day), ammonia nitrogen, and total suspended solids [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0011845002, Interim I Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By February 9, 2023, the Respondent calibrated the pH meter daily and maintained quality assurance/quality control records of measurements at the Facility.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:

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City of Pflugerville

RN101611440

Docket No. 2023-0461-MLM-E

- i. Prepare and implement a stormwater pollution prevention plan to comply with the requirements of TPDES General Permit No. TXR050000;
- ii. Submit a Notice of Intent through the State of Texas Environmental Electronic Reporting System to obtain authorization to discharge stormwater;
- iii. Develop and implement procedures and conduct employee training to:
 - 1. Calibrate the dissolved oxygen meter each day that samples are analyzed; and
 - 2. Assure reclaimed water meets the numerical parameter limits prior to distribution for the intended water use.
- b. Within 45 days, submit written certification to demonstrate compliance with a.
- c. Within 130 days, submit written certification of compliance with the permitted 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: Harley Hobson, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-1337; 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

Sereniah Breland, City Manager, City of Pflugerville, P.O. Box 589, Pflugerville, Texas 78691

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	27-Mar-2023	Screening	30-Mar-2023	EPA Due	
	PCW	7-Apr-2023				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Pflugerville PCW No. 1 of 3				
Reg. Ent. Ref. No.	RN101611440				
Facility/Site Region	11-Austin	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	63830	No. of Violations	1
Docket No.	2023-0461-MLM-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Harley Hobson
		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	\$42,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	56.0%	Adjustment	Subtotals 2, 3, & 7	\$23,800
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Notes: Enhancement for three months of self-reported effluent violations and two orders without a denial of liability.

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: \$808
Estimated Cost of Compliance: \$3,052
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$66,300
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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	\$66,300
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$66,300
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DEFERRAL	20.0%	Reduction	Adjustment	-\$13,260
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$53,040
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Screening Date	30-Mar-2023	Docket No.	2023-0461-MLM-E	PCW
Respondent	City of Pflugerville PCW No. 1 of 3			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	63830			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101611440			
Media	Water Quality			
Enf. Coordinator	Harley Hobson			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
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) 56%

>> 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 three months of self-reported effluent violations and two orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 56%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 56%

Screening Date 30-Mar-2023 Respondent City of Pflugerville PCW No. 1 of 3 Case ID No. 63830 Reg. Ent. Reference No. RN101611440 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2023-0461-MLM-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	1
Rule Cite(s)	30 Tex. Admin. Code § 281.25(a)(4) and 40 Code of Federal Regulations § 122.26(c)
Violation Description	Failed to maintain authorization to discharge stormwater associated with wastewater treatment activities. Specifically, authorization under Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR05BN19 expired on August 14, 2021, and the Respondent continued to operate.

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 10.0%

Matrix Notes	100% of the rule requirements were not met.
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Adjustment	\$22,500
Subtotal	\$2,500

Violation Events

Number of Violation Events	17	503	Number of violation days
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	daily		Violation Base Penalty \$42,500
	weekly		
	monthly	x	
	quarterly		
	semiannual		
	annual		
	single event		

Seventeen monthly events are recommended from the November 12, 2021 permit application grace period end date to the March 30, 2023 screening date.
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Good Faith Efforts to Comply

	0.0%	Reduction \$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	
Notes	The Respondent does not meet the good faith criteria for this violation.	

Violation Subtotal	\$42,500
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Economic Benefit (EB) for this violation

Estimated EB Amount	Statutory Limit Test
\$705	

Violation Final Penalty Total	\$66,300
This violation Final Assessed Penalty (adjusted for limits)	\$66,300

Economic Benefit Worksheet

Respondent City of Pflugerville PCW No. 1 of 3
Case ID No. 63830
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	\$225	13-Nov-2021	10-Apr-2025	3.41	\$38	n/a	\$38
Other (as needed)	\$2,500	13-Nov-2021	10-Apr-2025	3.41	\$426	n/a	\$426

Notes for DELAYED costs

Actual Permit Cost to submit a Notice of Intent ("NOI") to obtain authorization to discharge stormwater. The Date Required is the first day following the grace period end date, and the Final Date is the estimated date of compliance.

Estimated Other cost to develop and implement a stormwater pollution prevention plan. The Date Required is the first day following the grace period end date, and the Final Date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)	\$225	12-Nov-2021	30-Mar-2023	1.38	\$16	\$225	\$241

Notes for AVOIDED costs

Actual Other Cost to submit an NOI to renew the permit. The Date Required is the permit application grace period end date, and the Final Date is the screening date.

Approx. Cost of Compliance

\$2,950

TOTAL

\$705



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	27-Mar-2023	Screening	30-Mar-2023	EPA Due	
	PCW	7-Apr-2023				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Pflugerville PCW No. 2 of 3				
Reg. Ent. Ref. No.	RN101611440				
Facility/Site Region	11-Austin	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	63830	No. of Violations	3
Docket No.	2023-0461-MLM-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Harley Hobson
		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	\$47,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	65.0%	Adjustment	Subtotals 2, 3, & 7	\$30,875
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Notes: Enhancement for three months of self-reported effluent violations and two orders without a denial of liability.

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	-\$5,000
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$237
Estimated Cost of Compliance: \$504
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$73,375
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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	\$73,375
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$73,375
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DEFERRAL	20.0%	Reduction	Adjustment	-\$14,675
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$58,700
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Screening Date	30-Mar-2023	Docket No.	2023-0461-MLM-E	PCW
Respondent	City of Pflugerville PCW No. 2 of 3			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	63830			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101611440			
Media	Water Quality			
Enf. Coordinator	Harley Hobson			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
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) 65%

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three months of self-reported effluent violations and two orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 65%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 65%

Screening Date 30-Mar-2023 Respondent City of Pflugerville PCW No. 2 of 3 Case ID No. 63830 Reg. Ent. Reference No. RN101611440 Media Water Quality Enf. Coordinator Harley Hobson Violation Number 1	Docket No. 2023-0461-MLM-E <div style="border: 1px solid black; padding: 5px;"> 30 Tex. Admin. Code §§ 305.125(1) and (11) and 319.7(a) and TPDES Permit No. WQ0011845002, Monitoring and Reporting Requirements No. 3.b </div> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> Failed to maintain calibration records and the results of analyses or measurements. Specifically, calibration records for the dissolved oxygen ("DO") meter were not maintained each day that samples are analyzed for the months of January, February, November, and December 2022. </div>	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>														
Base Penalty \$25,000																
>> Environmental, Property and Human Health Matrix																
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">Release</th> <th style="text-align: center;">Major</th> <th style="text-align: center;">Moderate</th> <th style="text-align: center;">Minor</th> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td></td> </tr> </table>	Release	Major	Moderate	Minor	Actual				Potential				Percent 0.0%		
	Release	Major	Moderate	Minor												
Actual																
Potential																
>> Programmatic Matrix																
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">Falsification</th> <th style="text-align: center;">Major</th> <th style="text-align: center;">Moderate</th> <th style="text-align: center;">Minor</th> </tr> <tr> <td></td> <td style="text-align: center;">x</td> <td></td> <td></td> </tr> </table>	Falsification	Major	Moderate	Minor		x			Percent 20.0%						
Falsification	Major	Moderate	Minor													
	x															
Matrix Notes	100% of the rule requirements were not met.															
Adjustment \$20,000		\$5,000														
Violation Events																
Number of Violation Events 4		453 Number of violation days														
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily		weekly		monthly		quarterly		semiannual		annual		single event	x	Violation Base Penalty \$20,000
daily																
weekly																
monthly																
quarterly																
semiannual																
annual																
single event	x															
Four single events are recommended, one for each month not recorded.																
Good Faith Efforts to Comply																
0.0%		Reduction \$0														
Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer																
Extraordinary																
Ordinary																
N/A	x															
Notes	The Respondent does not meet the good faith criteria for this violation.															
Violation Subtotal		\$20,000														
Economic Benefit (EB) for this violation																
Statutory Limit Test																
Estimated EB Amount	\$131	Violation Final Penalty Total \$33,000														
This violation Final Assessed Penalty (adjusted for limits)		\$33,000														

Economic Benefit Worksheet

Respondent City of Pflugerville PCW No. 2 of 3
Case ID No. 63830
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
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	\$250	24-Jan-2023	10-Apr-2025	2.21	\$28	n/a	\$28
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated Training/Sampling cost to develop and implement procedures and conduct employee training to calibrate the DO meter each day that samples are analyzed and assure reclaimed water meets the numerical parameter limits prior to distribution for the intended water use. The Date Required is the investigation date, and the Final Date is the estimated date of compliance.						
Avoided Costs							
ANNUALIZE avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$102	31-Dec-2022	30-Mar-2023	0.24	\$1	\$102	\$103
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	Estimated Avoided cost to properly calibrate the DO meter each day that samples are analyzed (\$25 per monitoring period plus any accrued interest). The Date Required is the end date of the last missing calibration record, and the Final Date is the screening date.						
Approx. Cost of Compliance	\$352			TOTAL		\$131	

Screening Date	30-Mar-2023	Docket No.	2023-0461-MLM-E	PCW
Respondent	City of Pflugerville PCW No. 2 of 3	Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021		
Case ID No.	63830			
Reg. Ent. Reference No.	RN101611440			
Media	Water Quality			
Enf. Coordinator	Harley Hobson			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and (11) and 319.7(a) and (c), and TPDES Permit No. WQ0011845002, Monitoring and Reporting Requirements Nos. 3.b and 3.c.vi			
Violation Description	Failed to maintain quality assurance/quality controls ("QA/QC") records and the results of analyses or measurements. Specifically, QA/QC records for the pH meter were not maintained for the months of January, February, November, and December 2022.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> 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	4		404	Number of violation days
	daily		weekly	
	monthly		quarterly	
	semiannual		annual	
	single event	x		
Violation Base Penalty \$20,000				
Four single events are recommended, one for each month not recorded.				

Good Faith Efforts to Comply

	25.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary	x		
N/A			
Notes	The Respondent achieved compliance by February 9, 2023.		
			Violation Subtotal \$15,000

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$106
	Violation Final Penalty Total \$28,000
This violation Final Assessed Penalty (adjusted for limits) \$28,000	

Economic Benefit Worksheet

Respondent City of Pflugerville PCW No. 2 of 3
Case ID No. 63830
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	\$50	1-Jan-2022	9-Feb-2023	1.11	\$3	n/a	\$3
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated Training/Sampling cost to start calibrating the pH meter daily and maintain QA/QC records of measurements. The Date Required is the violation start date, and the Final Date is the compliance date.						

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$102	31-Dec-2022	9-Feb-2023	0.11	\$1	\$102	\$103
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	Estimated Avoided cost maintain QA/QC records and the results of analyses or measurements for pH (\$25 per monitoring period plus any accrued interest). The Date Required is the end date of the last month of non-compliance, and the Final Date is the compliance date.						

Approx. Cost of Compliance \$152

TOTAL \$106

Screening Date	30-Mar-2023	Docket No.	2023-0461-MLM-E	PCW
Respondent	City of Pflugerville PCW No. 2 of 3	Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021		
Case ID No.	63830			
Reg. Ent. Reference No.	RN101611440			
Media	Water Quality			
Enf. Coordinator	Harley Hobson			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code § 210.33(1), Tex. Water Code § 26.121(a)(1), and Authorization for Reclaimed Water No. R11845002, Specific Uses and Quality Standards for Reclaimed Water No. III.(c)(4)			
Violation Description	Failed to transfer only Type I reclaimed water that meets quality limits. Specifically, the Escherichia coli maximum concentration, for September 2022, exceeded the authorized limit of 75 most probable number per 100 milliliters ("MPN/100 mL") with an amount of 192 MPN/100 mL.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	
		Percent			0.0%
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					\$17,500

\$7,500

Violation Events

Number of Violation Events	1	181	Number of violation days
	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
One single event is recommended.			
Violation Base Penalty		\$7,500	

Good Faith Efforts to Comply

	0.0%		
	Before NOE/NOV	NOE/NOV to EDP RP/Settlement Offer	
Extraordinary			
Ordinary			
N/A	x		
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal		\$7,500	

Economic Benefit (EB) for this violation

Estimated EB Amount	Statutory Limit Test
\$0	
Violation Final Penalty Total	
\$12,375	
This violation Final Assessed Penalty (adjusted for limits)	
\$12,375	

Economic Benefit Worksheet

Respondent City of Pflugerville PCW No. 2 of 3
Case ID No. 63830
Reg. Ent. Reference No. RN101611440
Media Water Quality
Violation No. 3

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	Training/Sampling cost captured in Economic Benefit 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



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	23-Oct-2023	Screening	26-Oct-2023	EPA Due	5-Dec-2023
	PCW	29-Jan-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Pflugerville PCW No. 3 of 3				
Reg. Ent. Ref. No.	RN101611440				
Facility/Site Region	11-Austin	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	63830	No. of Violations	1
Docket No.	2023-0461-MLM-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Harley Hobson
		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	\$15,000
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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	65.0%	Adjustment	Subtotals 2, 3, & 7	\$9,750
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Notes: Enhancement for three months of self-reported effluent violations and two orders without a denial of liability.

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	\$1,868
Estimated Cost of Compliance	\$15,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$24,750
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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	\$24,750
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$24,750
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DEFERRAL	20.0%	Reduction	Adjustment	-\$4,950
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$19,800
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Screening Date	26-Oct-2023	Docket No.	2023-0461-MLM-E	PCW
Respondent	City of Pflugerville PCW No. 3 of 3			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	63830			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101611440			
Media	Water Quality			
Enf. Coordinator	Harley Hobson			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
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) 65%

>> 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 three months of self-reported effluent violations and two orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 65%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 65%

Screening Date 26-Oct-2023 Respondent City of Pflugerville PCW No. 3 of 3 Case ID No. 63830 Reg. Ent. Reference No. RN101611440 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2023-0461-MLM-E <div style="text-align: right; font-size: small;"> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i> </div>	PCW
Violation Number 1		
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 I 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	Release	Harm Major Moderate Minor
	Actual	<div style="display: flex; justify-content: space-around;"> <div style="border: 1px solid black; width: 50px; height: 20px;"></div> <div style="border: 1px solid black; width: 50px; height: 20px;"></div> <div style="border: 1px solid black; width: 50px; height: 20px; text-align: center;">x</div> </div>
	Potential	<div style="display: flex; justify-content: space-around;"> <div style="border: 1px solid black; width: 50px; height: 20px;"></div> <div style="border: 1px solid black; width: 50px; height: 20px;"></div> <div style="border: 1px solid black; width: 50px; height: 20px;"></div> </div>
		Percent 30.0%
>> Programmatic Matrix		
	Falsification Major Moderate Minor	
	<div style="display: flex; justify-content: space-around;"> <div style="border: 1px solid black; width: 50px; height: 20px;"></div> <div style="border: 1px solid black; width: 50px; height: 20px;"></div> <div style="border: 1px solid black; width: 50px; height: 20px;"></div> <div style="border: 1px solid black; width: 50px; height: 20px;"></div> </div>	Percent 0.0%
Matrix Notes	A simplified model was used to evaluate ammonia nitrogen and carbonaceous biochemical oxygen demand (5-day) to determine whether the discharged amounts of pollutants exceeded protective levels. Total suspended solids was 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		\$17,500
		\$7,500
Violation Events		
Number of Violation Events 2		151 Number of violation days
	daily weekly monthly quarterly semiannual annual single event	<div style="display: flex; flex-direction: column; align-items: center;"> <div style="border: 1px solid black; width: 50px; height: 20px;"></div> <div style="border: 1px solid black; width: 50px; height: 20px;"></div> <div style="border: 1px solid black; width: 50px; height: 20px;"></div> <div style="border: 1px solid black; width: 50px; height: 20px; text-align: center;">x</div> <div style="border: 1px solid black; width: 50px; height: 20px;"></div> <div style="border: 1px solid black; width: 50px; height: 20px;"></div> <div style="border: 1px solid black; width: 50px; height: 20px;"></div> </div>
		Violation Base Penalty \$15,000
Two quarterly events are recommended, for the quarters containing the months of December 2022 and January, February, March, and April 2023.		
Good Faith Efforts to Comply		Reduction \$0
Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer		
Extraordinary	<div style="border: 1px solid black; width: 50px; height: 20px;"></div>	<div style="border: 1px solid black; width: 50px; height: 20px;"></div>
Ordinary	<div style="border: 1px solid black; width: 50px; height: 20px;"></div>	<div style="border: 1px solid black; width: 50px; height: 20px;"></div>
N/A	<div style="border: 1px solid black; width: 50px; height: 20px; text-align: center;">x</div>	<div style="border: 1px solid black; width: 50px; height: 20px;"></div>
Notes	The Respondent does not meet the good faith criteria for this violation.	
Violation Subtotal		\$15,000
Economic Benefit (EB) for this violation Statutory Limit Test		
Estimated EB Amount \$1,868		Violation Final Penalty Total \$24,750
This violation Final Assessed Penalty (adjusted for limits)		\$24,750

Economic Benefit Worksheet

Respondent City of Pflugerville PCW No. 3 of 3
Case ID No. 63830
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)	\$15,000	31-Dec-2022	27-Jun-2025	2.49	\$1,868	n/a	\$1,868

Notes for DELAYED costs

Estimated Other cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations. The 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

\$15,000

TOTAL

\$1,868

City of Pflugerville
Docket No. 2023-0461-MLM-E
TPDES Permit No. WQ0011845002
Case No. 63830

Effluent Violation Table

	CBOD5 Daily Avg. Conc.	CBOD5 Daily Avg. Load.	NH3-N Daily Avg. Conc.	TSS Daily Avg. Conc.	TSS Daily Max. Conc.	TSS Daily Avg. Load.
Monitoring Period	Limit = 5.0 mg/L	Limit = 221 lbs/day	Limit = 2.0 mg/L	Limit = 5.0 mg/L	Limit = 20.0 mg/L	Limit = 221 lbs/day
December 2022	c	c	c	c	34	c
January 2023	c	c	c	6.57	29	222.42
February 2023	5.23	221.99	c	10.5	48	449.41
March 2023	c	c	c	5.59	c	c
April 2023	c	c	2.09	6.73	24	275.72

NH3-N = ammonia nitrogen Conc. = concentration Load. = loading
 TSS = total suspended solids lbs/day = pounds per day Avg. = average
 mg/L = milligrams per liter c = compliant Max. = maximum
 CBOD5 = carbonaceous biochemical oxygen demand (5-day)



Compliance History Report

Compliance History Report for CN600412985, RN101611440, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN600412985, City of Pflugerville **Classification:** SATISFACTORY **Rating:** 5.60

Regulated Entity: RN101611440, CITY OF PFLUGERVILLE **Classification:** SATISFACTORY **Rating:** 13.00
UPPER GILLELAND

Complexity Points: 7 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: 15500 Sun Light Near Way, #B, Pflugerville, Travis County, Texas

Region: REGION 11 - AUSTIN

ID Number(s):
WASTEWATER PERMIT WQ0011845002 **WASTEWATER EPA ID** TX0094927
WASTEWATER AUTHORIZATION R11845002

Compliance History Period: September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

Date Compliance History Report Prepared: April 25, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 25, 2019 to April 25, 2024

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Harley Hobson **Phone:** (512) 239-1337

Site and Owner/Operator History:

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

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

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

- 1 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.
- 2 Effective Date: 04/18/2022 ADMINORDER 2021-0376-MWD-E (Findings Order-Agreed Order Without 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: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 May 24, 2019 (1585901)

Item 2	June 19, 2019	(1585902)	Item 12	October 11, 2022	(1857513)
Item 3	July 18, 2019	(1594505)	Item 13	October 19, 2022	(1863867)
Item 4	August 26, 2019	(1600805)	Item 14	November 17, 2022	(1870776)
Item 5	September 19, 2019	(1607722)	Item 15	December 19, 2022	(1876633)
Item 6	November 20, 2019	(1620375)	Item 16	June 14, 2023	(1920393)
Item 7	December 06, 2019	(1635355)	Item 17	July 28, 2023	(1927377)
Item 8	December 17, 2019	(1627727)	Item 18	August 18, 2023	(1934319)
Item 9	February 03, 2021	(1693126)	Item 19	October 20, 2023	(1947299)
Item 10	February 10, 2021	(1702118)	Item 20	December 20, 2023	(1962764)
Item 11	August 15, 2022	(1849744)	Item 21	January 30, 2024	(1969347)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- | | | | |
|---|--|-----------------|----------|
| 1 | Date: 04/30/2023 (1913783) | | |
| | 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: 08/31/2023 (1940496) | | |
| | 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: 10/31/2023 (1952986) | | |
| | 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 PFLUGERVILLE
RN101611440

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2023-0461-MLM-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 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 together stipulate that:

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. 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 \$164,425 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$131,540 of the penalty and \$32,885 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 February 9, 2023, the Respondent calibrated the pH meter daily and maintained quality assurance/quality control ("QA/QC") records of measurements at the Facility.

II. ALLEGATIONS

1. During an investigation at the Facility conducted on January 24, 2023, an investigator documented that the Respondent:
 - a. Failed to maintain authorization to discharge stormwater associated with wastewater treatment activities, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 122.26(c). Specifically, authorization under Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR05BN19 expired on August 14, 2021, and the Respondent continued to operate.
 - b. Failed maintain calibration records and the results of analyses or measurements, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (11) and 319.7(a) and TPDES Permit No. WQ0011845002, Monitoring and Reporting Requirements No. 3.b. Specifically, calibration records for the dissolved oxygen ("DO") meter were not maintained each day that samples are analyzed, for the months of January, February, November, and December 2022.
 - c. Failed to maintain QA/QC records and the results of analyses or measurements, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (11) and 319.7(a) and (c) and TPDES Permit No. WQ0011845002, Monitoring and Reporting Requirements Nos. 3.b and 3.c.vi. Specifically, QA/QC records for the pH meter were not maintained for the months of January, February, November, and December 2022.
 - d. Failed to transfer only Type I reclaimed water that meets quality limits, in violation of 30 TEX. ADMIN. CODE § 210.33(1), TEX. WATER CODE § 26.121(a)(1), and Authorization for Reclaimed Water No. R11845002, Specific Uses and Quality Standards for Reclaimed Water No. III.(c)(4). Specifically, the *Escherichia coli* maximum concentration, for September 2022, exceeded the authorized limit of 75 most probable number per 100 milliliters ("MPN/100 mL") with an amount of 192 MPN/100 mL.
2. During a record review for the Facility conducted on August 30, 2023, 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 TPDES Permit No. WQ0011845002, Interim I Effluent Limitations and Monitoring Requirements No. 1, as shown in the effluent violation table below:

Effluent Violation Table						
	CBOD5 Daily Avg. Conc.	CBOD5 Daily Avg. Load.	NH3-N Daily Avg. Conc.	TSS Daily Avg. Conc.	TSS Daily Max. Conc.	TSS Daily Avg. Load.
Monitoring Period	Limit = 5.0 mg/L	Limit = 221 lbs/day	Limit = 2.0 mg/L	Limit = 5.0 mg/L	Limit = 20.0 mg/L	Limit = 221 lbs/day
December 2022	c	c	c	c	34	c
January 2023	c	c	c	6.57	29	222.42
February 2023	5.23	221.99	c	10.5	48	449.41
March 2023	c	c	c	5.59	c	c
April 2023	c	c	2.09	6.73	24	275.72

NH3-N = ammonia nitrogen Conc. = concentration Load. = loading
TSS = total suspended solids lbs/day = pounds per day Avg. = average
mg/L = milligrams per liter c = compliant Max. = maximum
CBOD5 = carbonaceous biochemical oxygen demand (5-day)

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 Pflugerville, Docket No. 2023-0461-MLM-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:

- i. Prepare and implement a stormwater pollution prevention plan to comply with the requirements of TPDES General Permit No. TXR050000;
- ii. Submit a Notice of Intent through the State of Texas Environmental Electronic Reporting System to obtain authorization to discharge stormwater;
- iii. Develop and implement procedures and conduct employee training to:
 1. Calibrate the DO meter each day that samples are analyzed; and
 2. Assure reclaimed water meets the numerical parameter limits, in accordance with 30 Tex. Admin. Code § 210.33, prior to distribution for the intended water use.
- b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i through 2.a.iii, in accordance with Ordering Provision No. 2.c below.
- c. Within 130 days after the effective date of this Order, submit written certification of compliance with the permitted 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, 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:

Enforcement Division, MC 149
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

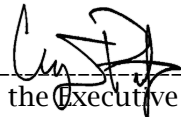
3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. 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 Enforcement Division at the address listed above.
6. 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.
7. 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.
8. 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

1/15/2025

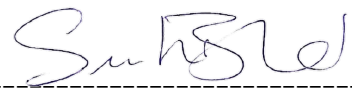
Date

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 OAG 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 OAG 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

1/7/2024

Date

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

City Manager
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.