

Executive Summary – Enforcement Matter – Case No. 64114

SR Aus, LLC

RN107988586

Docket No. 2023-0728-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Blue Prairie WWTP, 4836 Highway 71 East, Del Valle, 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: August 16, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$32,937

Amount Deferred for Expedited Settlement: \$6,587

Total Paid to General Revenue: \$765

Total Due to General Revenue: \$25,585

Payment Plan: 35 payments of \$731 each

Compliance History Classifications:

Person/CN - Unclassified

Site/RN - Unclassified

Major Source: 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: February 28, 2023

Date(s) of NOE(s): April 17, 2023

Executive Summary – Enforcement Matter – Case No. 64114

SR Aus, LLC

RN107988586

Docket No. 2023-0728-MWD-E

Violation Information

Failed to comply with permitted effluent limitations for ammonia nitrogen, dissolved oxygen, total phosphorous, and total suspended solids [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0015418001, Interim Effluent Limitations and Monitoring Requirements Nos. 1 and 6].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By October 31, 2023, the Respondent implemented corrective measures and achieved compliance with all permitted effluent limitations.

Technical Requirements:

N/A

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: Ryan Lehlen, General Manager, SR Aus, LLC, 4836 Highway 71 East, Del Valle, Texas 78617

Neha Datar, General Counsel, SR Aus, LLC, 4836 Highway 71 East, Del Valle, Texas 78617

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	2-May-2023	Screening	1-Jun-2023	EPA Due	
	PCW	3-May-2023				

RESPONDENT/FACILITY INFORMATION

Respondent	SR Aus, LLC				
Reg. Ent. Ref. No.	RN107988586				
Facility/Site Region	11-Austin	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	64114	No. of Violations	2
Docket No.	2023-0728-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
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	\$21,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	65.0%	Adjustment	Subtotals 2, 3, & 7	\$13,812
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Notes

Enhancement for seven months of self-reported effluent violations, one NOV with the same/similar violations, and one order 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	-\$2,125
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$836
Estimated Cost of Compliance \$10,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$32,937
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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	\$32,937
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$32,937
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DEFERRAL	20.0%	Reduction	Adjustment	-\$6,587
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$26,350
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Screening Date	1-Jun-2023	Docket No.	2023-0728-MWD-E	PCW
Respondent	SR Aus, LLC			
Case ID No.	64114			
Reg. Ent. Reference No.	RN107988586			
Media	Water Quality			
Enf. Coordinator	Harley Hobson			

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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>)	8	40%
	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	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 65%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for seven months of self-reported effluent violations, one NOV with the same/similar violations, and one order 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 1-Jun-2023 Respondent SR Aus, LLC Case ID No. 64114 Reg. Ent. Reference No. RN107988586 Media Water Quality Enf. Coordinator Harley Hobson Violation Number 1	Docket No. 2023-0728-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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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. WQ0015418001, Interim 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
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>> Environmental, Property and Human Health Matrix

OR	Release	Harm	Major	Moderate	Minor	
	Actual		x			
	Potential					

Percent	25.0%
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>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	

Percent	0.0%
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Matrix Notes	Phosphorus was evaluated to determine whether the discharged amounts of pollutants exceeded protective levels. Dissolved oxygen and total suspended solids were also considered. Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$18,750
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Adjustment	\$6,250
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Violation Events

Number of Violation Events	1	Number of violation days	31
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	daily		
	weekly		
	monthly	x	
	quarterly		
	semiannual		
	annual		
	single event		

Violation Base Penalty	\$6,250
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One monthly event is recommended for the month of August 2022.
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Good Faith Efforts to Comply

	10.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary		x	
N/A			

Notes	The Respondent achieved compliance by October 31, 2023.
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Violation Subtotal	\$5,625
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Economic Benefit (EB) for this violation

	10.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary		x	
N/A			

Notes	The Respondent achieved compliance by October 31, 2023.
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Violation Subtotal	\$5,625
---------------------------	---------

Economic Benefit (EB) for this violation

	10.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary		x	
N/A			

Notes	The Respondent achieved compliance by October 31, 2023.
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Violation Subtotal	\$5,625
---------------------------	---------

Economic Benefit (EB) for this violation

	10.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary		x	
N/A			

Notes	The Respondent achieved compliance by October 31, 2023.
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Violation Subtotal	\$5,625
---------------------------	---------

Economic Benefit (EB) for this violation

	10.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary		x	
N/A			

Notes	The Respondent achieved compliance by October 31, 2023.
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Violation Subtotal	\$5,625
---------------------------	---------

Economic Benefit (EB) for this violation

	10.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary		x	
N/A			

Notes	The Respondent achieved compliance by October 31, 2023.
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Violation Subtotal	\$5,625
---------------------------	---------

Economic Benefit (EB) for this violation

	10.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary		x	
N/A			

Notes	The Respondent achieved compliance by October 31, 2023.
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Violation Subtotal	\$5,625
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Economic Benefit (EB) for this violation

	10.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary		x	
N/A			

Notes	The Respondent achieved compliance by October 31, 2023.
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Violation Subtotal	\$5,625
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Economic Benefit (EB) for this violation

	10.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary		x	
N/A			

Notes	The Respondent achieved compliance by October 31, 2023.
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Violation Subtotal	\$5,625
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Economic Benefit (EB) for this violation

	10.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary		x	
N/A			

Notes	The Respondent achieved compliance by October 31, 2023.
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Violation Subtotal	\$5,625
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Economic Benefit (EB) for this violation

	10.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary		x	
N/A			

Notes	The Respondent achieved compliance by October 31, 2023.
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Violation Subtotal	\$5,625
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Economic Benefit (EB) for this violation

	10.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary		x	
N/A			

Notes	The Respondent achieved compliance by October 31, 2023.
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Violation Subtotal	\$5,625
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Economic Benefit (EB) for this violation

	10.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary		x	
N/A			

Notes	The Respondent achieved compliance by October 31, 2023.
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Violation Subtotal	\$5,625
---------------------------	---------

Economic Benefit (EB) for this violation

	10.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary		x	
N/A			

Notes	The Respondent achieved compliance by October 31, 2023.
-------	---

Violation Subtotal	\$5,625
---------------------------	---------

Economic Benefit (EB) for this violation

	10.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary		x	
N/A			

Notes	The Respondent achieved compliance by October 31, 2023.
-------	---

Violation Subtotal	\$5,625
---------------------------	---------

Economic Benefit (EB) for this violation

	10.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary		x	
N/A			

Notes	The Respondent achieved compliance by October 31, 2023.
-------	---

Violation Subtotal	\$5,625
---------------------------	---------

Economic Benefit (EB) for this violation

	10.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary		x	
N/A			

Notes	The Respondent achieved compliance by October 31, 2023.
-------	---

Violation Subtotal	\$5,625
---------------------------	---------

Economic Benefit (EB) for this violation

	10.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary		x	
N/A			

Notes	The Respondent achieved compliance by October 31, 2023.
-------	---

Violation Subtotal	\$5,625
---------------------------	---------

Economic Benefit (EB) for this violation

	10.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary		x	
N/A			

Notes	The Respondent achieved compliance by October 31, 2023.
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Violation Subtotal	\$5,625
---------------------------	---------

Economic Benefit (EB) for this violation

	10.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary		x	
N/A			

Economic Benefit Worksheet

Respondent SR Aus, LLC
Case ID No. 64114
Reg. Ent. Reference No. RN107988586
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	28-Feb-2022	31-Oct-2023	1.67	\$836	n/a	\$836

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 date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$836

Screening Date 1-Jun-2023 Respondent SR Aus, LLC Case ID No. 64114 Reg. Ent. Reference No. RN107988586 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2023-0728-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	2	Rule Cite(s)	
		30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0015418001, Interim Effluent Limitations and Monitoring Requirements Nos. 1 and 6	
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			x	
	Potential				
					Percent 15.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					
					Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events	4	303	Number of violation days
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	daily		
	weekly		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		

Violation Base Penalty \$15,000

Four quarterly events are recommended for the quarters containing the months of February, March, April, May, June, July, September, October, November, and December 2022.

Good Faith Efforts to Comply

	10.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		
Notes	The Respondent achieved compliance by October 31, 2023.	

Reduction \$1,500

Violation Subtotal \$13,500

Economic Benefit (EB) for this violation

Estimated EB Amount	\$0	Statutory Limit Test
		Violation Final Penalty Total \$23,250
		This violation Final Assessed Penalty (adjusted for limits) \$23,250

Economic Benefit Worksheet

Respondent SR Aus, LLC
Case ID No. 64114
Reg. Ent. Reference No. RN107988586
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

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 is captured in Economic Benefit Worksheet 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

SR Aus, LLC
Docket No. 2023-0728-MWD-E
TPDES Permit No. WQ0015418001
Case No. 64114

Effluent Violation Table

	Ammonia Nitrogen Daily Average Conc.	Ammonia Nitrogen Single Grab Conc.	Dissolved Oxygen Monthly Minimum Conc.	Total Phosphorus Daily Average Conc.	Total Suspended Solids Daily Average Conc.
Monitoring Period	Limit = 2 mg/L	Limit = 15 mg/L	Limit = 6.0 mg/L	Limit = 1 mg/L	Limit = 5 mg/L
February 2022	3	c	c	c	8.3
March 2022	c	c	c	c	6.8
April 2022	c	c	c	c	7.5
May 2022	c	c	5.91	c	c
June 2022	c	c	5.6	c	c
July 2022	c	c	5.4	c	c
August 2022	c	c	5.7	1.6	11.7
September 2022	c	c	5.35	c	c
October 2022	c	c	5.96	c	10
November 2022	c	c	5.96	c	6.8
December 2022	7.3	20.4	5.95	c	c

mg/L = milligrams per liter Conc. = concentration c = compliant



Compliance History Report

Compliance History Report for CN605653393, RN107988586, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN605653393, SR Aus, LLC

Classification: UNCLASSIFIED

Rating: -----

Regulated Entity: RN107988586, BLUE PRAIRIE WWTP

Classification: UNCLASSIFIED

Rating: -----

Complexity Points: 3

Repeat Violator: NO

CH Group: 14 - Other

Location: 4836 Highway 71 East in Travis County, Texas

TCEQ Region: REGION 11 - AUSTIN

ID Number(s):

WASTEWATER AUTHORIZATION R15418001

WASTEWATER PERMIT WQ0015418001

WASTEWATER EPA ID TX0136701

Compliance History Period: September 01, 2018 to August 31, 2023

Rating Year: 2023

Rating Date: 09/01/2023

Date Compliance History Report Prepared: November 27, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: November 27, 2018 to November 27, 2023

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: 09/28/2020 ADMINORDER 2020-0368-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: Failed to comply with permitted effluent limitations.

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 28, 2018	(1543871)	Item 12	August 14, 2020	(1682745)
Item 2	December 31, 2018	(1547566)	Item 13	September 14, 2020	(1689278)
Item 3	January 22, 2019	(1566937)	Item 14	October 13, 2020	(1695641)
Item 4	February 19, 2019	(1566936)	Item 15	November 13, 2020	(1719519)
Item 5	May 14, 2019	(1574240)	Item 16	December 09, 2020	(1719520)
Item 6	July 29, 2019	(1588036)	Item 17	January 29, 2021	(1719521)
Item 7	August 28, 2019	(1595660)	Item 18	February 22, 2021	(1732601)
Item 8	September 19, 2019	(1601873)	Item 19	March 12, 2021	(1732602)
Item 9	October 09, 2019	(1608774)	Item 20	April 15, 2021	(1732603)
Item 10	February 28, 2020	(1636409)	Item 21	May 17, 2021	(1743600)
Item 11	July 15, 2020	(1675949)	Item 22	June 18, 2021	(1748776)

Item 23	July 19, 2021	(1738842)	Item 29	December 20, 2021	(1793033)
Item 24	July 20, 2021	(1754050)	Item 30	January 18, 2022	(1800854)
Item 25	August 17, 2021	(1759397)	Item 31	February 16, 2022	(1808676)
Item 26	September 16, 2021	(1768805)	Item 32	March 16, 2023	(1900897)
Item 27	October 08, 2021	(1779989)	Item 33	July 18, 2023	(1928431)
Item 28	November 15, 2021	(1786042)	Item 34	September 17, 2023	(1941598)

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: 11/30/2022 (1877703)
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: 12/31/2022 (1884510)
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: 01/31/2023 (1892306)
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: 02/28/2023 (1872846)
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)
Description: Failed to prevent the unauthorized wastewater.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(4)
Description: Failed to prevent the discharge of sludge into the receiving stream.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 217, SubChapter A 217.3(b)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failed to provide a readily accessible sampling point.
- 5 Date: 03/31/2023 (1907690)
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: 04/30/2023 (1914827)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 7 Date: 05/31/2023 (1921456)
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: 07/31/2023 (1935354)
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
SR AUS, LLC
RN107988586

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2023-0728-MWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding SR Aus, LLC (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 4836 Highway 71 East in Del Valle, 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 \$32,937 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$765 of the penalty and \$6,587 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order.

The remaining amount of \$25,585 of the undeferred penalty shall be paid in 35 monthly payments of \$731 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the

terms and conditions of this Order and 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 October 31, 2023, the Respondent implemented corrective measures at the Facility and achieved compliance with all permitted effluent limitations.

II. ALLEGATIONS

During a record review for the Facility conducted on February 28, 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 Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0015418001, Interim Effluent Limitations and Monitoring Requirements Nos. 1 and 6, as shown in the effluent violation table below:

Effluent Violation Table					
	Ammonia Nitrogen Daily Average Conc.	Ammonia Nitrogen Single Grab Conc.	Dissolved Oxygen Monthly Minimum Conc.	Total Phosphorus Daily Average Conc.	Total Suspended Solids Daily Average Conc.
Monitoring Period	Limit = 2 mg/L	Limit = 15 mg/L	Limit = 6.0 mg/L	Limit = 1 mg/L	Limit = 5 mg/L
February 2022	3	c	c	c	8.3
March 2022	c	c	c	c	6.8
April 2022	c	c	c	c	7.5
May 2022	c	c	5.91	c	c
June 2022	c	c	5.6	c	c
July 2022	c	c	5.4	c	c
August 2022	c	c	5.7	1.6	11.7
September 2022	c	c	5.35	c	c
October 2022	c	c	5.96	c	10
November 2022	c	c	5.96	c	6.8
December 2022	7.3	20.4	5.95	c	c

mg/L = milligrams per liter Conc. = concentration c = compliant

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: SR Aus, LLC, Docket No. 2023-0728-MWD-E" to:

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

2. 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.

SR Aus, LLC
DOCKET NO. 2023-0728-MWD-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

For the Executive Director

10/4/2024

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.

DocuSigned by:

Neha Datar

9/23/2024

Signature

Date

Neha Datar

General Counsel

Name (Printed or typed)

Title

Authorized Representative of
SR Aus, LLC

☐ 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.