Executive Summary – Enforcement Matter – Case No. 65998
Wilbarger Creek Municipal Utility District No. 2
RN102178811
Docket No. 2024-0794-MWD-E

Order Type:
1660
Findings Order Justification:
N/A
Media:
MWD
Small Business:
No
Location(s) Where Violation(s) Occurred:
Wilbarger Creek MUD No. 2 Wastewater Treatment Facility, 12217 Old Highway 20, Manor, Travis County
Type of Operation:
Wastewater treatment plant
Other Significant Matters:
Additional Pending Enforcement Actions: No
Past-Due Penalties: No
Past-Due Fees: No
Other: N/A
Interested Third-Parties: None
Texas Register Publication Date: June 26, 2026
Comments Received: No

Penalty Information

Total Penalty Assessed: $54,375
Amount Deferred for Expedited Settlement: $10,875
Total Paid to General Revenue: $0
Total Due to General Revenue: $0
Payment Plan: N/A
Supplemental Environmental Project ("SEP") Conditional Offset: $43,500
Name of SEP: Rain Garden Installation (Compliance)
Compliance History Classifications:
Person/CN - Satisfactory
Site/RN - Satisfactory
Major Source: Yes
Statutory Limit Adjustment: N/A
Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: March 19, 2024
Date(s) of NOE(s): May 3, 2024

Executive Summary – Enforcement Matter – Case No. 65998
Wilbarger Creek Municipal Utility District No. 2
RN102178811
Docket No. 2024-0794-MWD-E

Violation Information

Failed to comply with permitted effluent limitations for total residual chlorine and total phosphorus [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES" Permit No. WQ0014189001, Interim II Effluent Limitations and Monitoring Requirements No. 1 and 2].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By July 31, 2024, the Respondent implemented corrective measures at the Facility and achieved compliance with all permitted effluent limitations in TPDES Permit No. WQ0014189001.

Technical Requirements:

The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Penny Wimberly, Enforcement Division, Enforcement Backlog Team, MC 219, (512) 239-0538; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548
TCEQ SEP Coordinator: Adena Crider, Litigation Division, MC 175, (512) 239-0648
Respondent: James A. Baker, President, Wilbarger Creek Municipal Utility District No. 2, 100 Congress Avenue, Suite 1300, Austin, Texas 78701
Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021) — *PCW Revision February 11, 2021*

DATES						
Assigned	7-May-2024					
PCW	28-Feb-2025	**Screening**	8-May-2024	**EPA Due**	5-Jun-2024	

RESPONDENT/FACILITY INFORMATION

Respondent	Wilbarger Creek Municipal Utility District No. 2		
Reg. Ent. Ref. No.	RN102178811		
Facility/Site Region	11-Austin	**Major/Minor Source**	Major

CASE INFORMATION

Enf./Case ID No.	65998	**No. of Violations**	1
Docket No.	2024-0794-MWD-E	**Order Type**	1660
Media Program(s)	Water Quality	**Government/Non-Profit**	Yes
Multi-Media		**Enf. Coordinator**	Penny Wimberly
		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*: **$37,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — **55.0%** Adjustment — *Subtotals 2, 3, & 7*: **$20,625**

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

Culpability — No — **0.0%** Enhancement — *Subtotal 4*: **$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments — *Subtotal 5*: **-$3,750**

Economic Benefit — **0.0%** Enhancement* — *Subtotal 6*: **$0**

Total EB Amounts $563
Estimated Cost of Compliance $15,000
**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — *Final Subtotal*: **$54,375**

OTHER FACTORS AS JUSTICE MAY REQUIRE — **0.0%** — *Adjustment*: **$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount: **$54,375**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty*: **$54,375**

DEFERRAL — **20.0%** Reduction — *Adjustment*: **-$10,875**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY: **$43,500**

Screening Date 8-May-2024 **Docket No.** 2024-0794-MWD-E **PCW**

Respondent Wilbarger Creek Municipal Utility District No. 2

Case ID No. 65998

Reg. Ent. Reference No. RN102178811

Media Water Quality

Enf. Coordinator Penny Wimberly

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 (*number of NOVs meeting criteria*)	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgments or consent decrees meeting criteria*)	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 (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	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 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	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) 55%

>> 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 containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 55%

>> Final Compliance History Adjustment

Final Adjustment Percentage ****capped at 100%*** 55%

Screening Date	8-May-2024	**Docket No.** 2024-0794-MWD-E	**PCW**
Respondent	Wilbarger Creek Municipal Utility District No. 2		*Policy Revision 5 (January 28, 2021)*
Case ID No.	65998		*PCW Revision February 11, 2021*
Reg. Ent. Reference No.	RN102178811		
Media	Water Quality		
Enf. Coordinator	Penny Wimberly		

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 Permit No. WQ0014189001, Interim II Effluent Limitations and Monitoring Requirements No. 1 and 2

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 50.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Total residual chlorine was evaluated to determine whether the discharged amounts of pollutants exceed protective levels. Total phosphorus was 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.

Adjustment $12,500

$12,500

Violation Events

Number of Violation Events: 3 — 92 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $37,500

Three monthly events are recommended for the months of October, November, and December 2023.

Good Faith Efforts to Comply

10.0% Reduction $3,750

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

Notes: The Respondent achieved compliance on July 31, 2024.

Violation Subtotal $33,750

Economic Benefit (EB) for this violation

Estimated EB Amount $563

Statutory Limit Test

Violation Final Penalty Total $54,375

This violation Final Assessed Penalty (adjusted for limits) $54,375

Economic Benefit Worksheet

Respondent Wilbarger Creek Municipal Utility District No. 2
Case ID No. 65998
Reg. Ent. Reference No. RN102178811
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				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-Oct-2023	31-Jul-2024	0.75	$563	n/a	$563
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	$15,000				**TOTAL**	$563	

Wilbarger Creek Municipal Utility District No. 2

Docket No. 2024-0794-MWD-E

Case No. 65998

Effluent Violation Table

Monitoring Period	Total Residual Chlorine Instant Maximum Concentration Limit = 0.1 mg/L	Total Residual Chlorine Monthly Minimum Concentration Limit = 1.0 mg/L	Total Phosphorus Daily Average Concentration Limit = 1 mg/L
October 2023	1.3	0.17	1.35
November 2023	2.1	c	c
December 2023	1	c	c

mg/L = milligrams per liter c = compliant

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

Compliance History Report

Compliance History Report for CN601455900, RN102178811, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN601455900, Wilbarger Creek Municipal Utility District 2 **Classification:** SATISFACTORY **Rating:** 12.31

Regulated Entity: RN102178811, WILBARGER CREEK MUD 2 WWTP **Classification:** SATISFACTORY **Rating:** 12.31

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

CH Group: 08 - Sewage Treatment Facilities

Location: 12217 Old Highway 20, Manor, Travis County, Texas

TCEQ Region: REGION 11 - AUSTIN

ID Number(s):

WASTEWATER PERMIT WQ0014189001
WASTEWATER EPA ID TX0122840
WASTEWATER AUTHORIZATION R14189001
STORMWATER PERMIT TXR05GL68

Compliance History Period: September 01, 2019 to August 31, 2024 **Rating Year:** 2024 **Rating Date:** 09/01/2024

Date Compliance History Report Prepared: February 28, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 28, 2020 to February 28, 2025

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

Name: Monica Larina **Phone:** (512) 239-0184

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: 12/14/2021 ADMINORDER 2020-1413-MWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Effluent Limits PERMIT
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

2 Effective Date: 08/05/2024 ADMINORDER 2022-0437-MWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
Rqmt Prov: Operational Requirements No. 1, Page 13 PERMIT
Description: Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
Rqmt Prov: Permit Conditions 2.g, Pages 9 and 10 PERMIT
Description: Failure to prevent an unauthorized discharge of sewage into or adjacent to any water in the state.

Specifically, on February 8, 2022, an active unauthorized discharge from a manhole at 1300 Old Highway 20 in Manor, Texas, was observed by TCEQ staff. Noncompliance notifications, submitted by the respondent, stated approximately 50,000 to 60,00 gallons of wastewater was discharged from the manhole into a tributary of Wilbarger Creek between January 27, 2022 and February 8, 2022.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	April 16, 2020	(1655353)	Item 26	July 18, 2022	(1844086)
Item 2	May 20, 2020	(1661909)	Item 27	August 16, 2022	(1850245)
Item 3	June 12, 2020	(1668447)	Item 28	August 23, 2022	(1819279)
Item 4	July 14, 2020	(1675394)	Item 29	September 16, 2022	(1858015)
Item 5	September 22, 2020	(1682174)	Item 30	October 19, 2022	(1864369)
Item 6	November 16, 2020	(1717919)	Item 31	November 15, 2022	(1871277)
Item 7	December 14, 2020	(1717920)	Item 32	December 19, 2022	(1877131)
Item 8	February 26, 2021	(1730966)	Item 33	January 17, 2023	(1883943)
Item 9	March 11, 2021	(1730967)	Item 34	February 16, 2023	(1891756)
Item 10	April 13, 2021	(1730968)	Item 35	March 16, 2023	(1900328)
Item 11	May 12, 2021	(1742759)	Item 36	April 14, 2023	(1907128)
Item 12	June 17, 2021	(1748520)	Item 37	May 12, 2023	(1914282)
Item 13	July 14, 2021	(1753496)	Item 38	June 16, 2023	(1920889)
Item 14	August 13, 2021	(1758881)	Item 39	July 14, 2023	(1927873)
Item 15	September 15, 2021	(1768228)	Item 40	August 16, 2023	(1934816)
Item 16	October 13, 2021	(1778760)	Item 41	September 18, 2023	(1940991)
Item 17	November 15, 2021	(1785427)	Item 42	October 17, 2023	(1947790)
Item 18	December 15, 2021	(1792466)	Item 43	April 24, 2024	(1992022)
Item 19	January 15, 2022	(1800313)	Item 44	June 20, 2024	(2005418)
Item 20	February 11, 2022	(1808143)	Item 45	July 24, 2024	(2012985)
Item 21	March 15, 2022	(1815184)	Item 46	August 19, 2024	(1995960)
Item 22	April 13, 2022	(1806158)	Item 47	September 18, 2024	(2025586)
Item 23	April 18, 2022	(1821752)	Item 48	November 15, 2024	(2038016)
Item 24	May 12, 2022	(1830655)	Item 49	December 19, 2024	(2044407)
Item 25	June 15, 2022	(1836900)			

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: 02/29/2024 (1985480)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

2 Date: 04/30/2024 (1998456)
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: 09/30/2024 (2031697)
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 WILBARGER CREEK MUNICIPAL UTILITY DISTRICT NO. 2 RN102178811	**§ § § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2024-0794-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 Wilbarger Creek Municipal Utility District ("MUD") No. 2 (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 plant located at 12217 Old Highway 20 in Manor, 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 $54,375 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of $10,875 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.

   Pursuant to Tex. Water Code § 7.067, $43,500 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory

completion of all provisions of the SEP Agreement, as determined by the Executive Director

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.

7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.

8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

9. The Executive Director recognizes that by July 31, 2024, the Respondent implemented corrective measures at the Facility and achieved compliance with all permitted effluent limitations in Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014189001.

II. ALLEGATIONS

During a record review for the Facility conducted on March 19, 2024, 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. WQ0014189001, Interim II Effluent Limitations and Monitoring Requirements No. 1 and 2, as shown in the effluent violation table below:

Monitoring Period	Total Residual Chlorine Instant Maximum Concentration Limit = 0.1 mg/L	Total Residual Chlorine Monthly Minimum Concentration Limit = 1.0 mg/L	Total Phosphorus Daily Average Concentration Limit = 1 mg/L
October 2023	1.3	0.17	1.35
November 2023	2.1	c	c
December 2023	1	c	c

mg/L=milligrams per liter 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: Wilbarger Creek MUD No. 2, Docket No. 2024-0794-MWD-E" to:

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

2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of $43,500 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment

3. 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.

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

Kristin Mello-Jurack 07/14/2026
For the Executive Director Date

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

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the 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.

_____ June 1, 2026
Signature Date

James A. Baker President, Board of Directors
Name (Printed or typed) Title
Authorized Representative of
Wilbarger Creek MUD No. 2

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

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

Attachment A

Docket Number: 2024-0794-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Wilbarger Creek Municipal Utility District No. 2
Penalty Amount:	$43,500
SEP Offset Amount:	$43,500
Type of SEP:	Compliance
Project Name:	*Rain Garden Installation*
Location of SEP:	Travis County

The Texas Commission on Environmental Quality ("the Commission" or "TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order in exchange for Respondent's performance of a Supplemental Environmental Project ("SEP").

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

1. Project Description

A. Project

Respondent hired a contractor to construct a rain garden pond and associated inlet structures at the Facility to manage stormwater runoff and reduce risk of unauthorized discharges. Specifically, the SEP Offset Amount was used for materials, supplies, and equipment for constructions of rain garden pond and inlets (the "Project"). Respondent hired qualified contractors to perform the Project. The SEP was performed in accordance with all federal, state, and local environmental laws and regulations.

Respondent used the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed below in Subsection C. Expenses. No portion of the SEP Offset Amount was spent on administrative costs, including operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent's signature affixed to the attached Agreed Order certifies that Respondent had no prior commitment to perform this Project and that the SEP was performed solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide an environmental benefit by reducing stormwater inflow to the wastewater treatment facility, thereby decreasing the risk of system overloading and unauthorized discharges. The rain garden pond and inlet structures helped capture and manage run off, promoting infiltration and reducing the volume of water entering the treatment system during storm events this improves overall treatment efficiency and helps protect nearby surface waters from potential contamination the project also supports sustainable storm water management practices and enhances protection of local water resources.

C. Expenses

Respondent spent at least the SEP Offset Amount to complete the project described in Section 1.A, above, and complied with all other provisions of this SEP. Respondent understood that it may have cost more than the SEP Offset Amount to complete the Project.

Expenses

Item	Total
Rain Garden Pond and Inlets	$118,000
Total	**$118,000**

2. Records

As of April 6, 2026, Respondent provided TCEQ the following documentation as proof of completion of the proposed SEP:

A. An itemized list of expenditures and total cost of the Project;

B. Copies of invoices or receipts corresponding to the itemized list in paragraph 2.A., above;

C. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 2.A., above;

D. A certified statement of SEP completion and document authentication;

E. A detailed map showing the specific location of the project site(s); and

F. Photographs of the completed Project.

3. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff and shall allow immediate (i.e., within 24 hours) access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

4. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

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

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

5. Publicity

Any public statements concerning this Project made by or on behalf of Respondent must include a clear statement that **the Project was performed as part of the settlement of an**

enforcement action brought by TCEQ. Such statements include advertising, public relations, and press releases.

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

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