

MWD_WQ0010264002_CO_20220302_Compliance
Texas Commission on Environmental Quality
Investigation Report

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Customer: City of Austin
Customer Number: CN600135198

Regulated Entity Name: BRUSHY CREEK REGIONAL EAST WWTP

Regulated Entity Number: RN100822600

Investigation # 1805086

Incident Numbers

372592

Investigator: CHARLOTTE POPE

Site Classification DOMESTIC MAJOR

Conducted: 03/02/2022 -- 03/04/2022

SIC Code: 4952

NAIC Code: 221320

Program(s): WASTEWATER

Investigation Type: Compliance Investigation

Location: 3939 PALM VALLEY

Additional ID(s): TX0101940
WQ0010264002
R10264002

Address: 3939 E PALM VALLEY BLVD,
ROUND ROCK, TX , 78665

Local Unit: REGION 11 - AUSTIN

Activity Type(s): WWCMPL - WW Complaint
WWRECONMAJ - WW Major Recon

Principal(s):

Role

Name

RESPONDENT
RESPONDENT
RESPONDENT

CITY OF ROUND ROCK
CITY OF CEDAR PARK
CITY OF AUSTIN

Contact(s):

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Role	Title	Name	Phone	
REGULATED ENTITY MAIL CONTACT	MAYOR	HON STEVE ADLER	Fax Work	(512) 974-2337 (512) 978-2100
REGULATED ENTITY MAIL CONTACT	MAYOR	HON CORBIN V ARSDALE	Work	(512) 401-5000
REGULATED ENTITY MAIL CONTACT	MAYOR	HON Craig Morgan	Work Office	(512) 218-5410 (512) 218-5400
REGULATED ENTITY CONTACT	WASTEWATER TREATMENT SUPERINTENDENT	MR JOHN HEAPS	Work	(512) 218-6637
REGULATED ENTITY CONTACT	CHIEF OPERATOR	TOM F VILLANUEVA	Work	(512) 516-4593
REGULATED ENTITY CONTACT	UTILITIES & ENVIRONMENTAL SERVICES ASSISTANT DIRECTOR	MR FRANCISCO VICENT	Fax Work Cell	(512) 218-7088 (512) 218-5575 (512) 417-6146

Other Staff Member(s):

Role	Name
Investigator	CHRISTOPHER KEFFER
Investigator	CHRISTOPHER BOST
Supervisor	SHAWN STEWART
QA Reviewer	CHAD AHLGREN

Associated Check List

<u>Checklist Name</u>	<u>Unit Name</u>
WQ COMPLAINT INVESTIGATION	BRUSHY CREEK EAST WWTF
WQ GENERIC VIOLATIONS	BRUSHY CREEK EAST WWTF
WQ COMPLIANCE CHECK/RECONNAISSANCE INVESTIGATION	BRUSHY CREEK EAST WWTF

Investigation Comments:**INTRODUCTION**

The City of Round Rock (CORR), City of Cedar Park, and City of Austin - Brushy Creek Regional East Wastewater Treatment Facility (WWTF) was investigated by Ms. Charlotte Pope, Mr. Christopher Bost, and Mr. Christopher Keffer on March 2, 2022, March 3, 2022, and March 4, 2022 to determine compliance with applicable wastewater treatment regulations. This investigation is considered a complaint and reconnaissance investigation. The investigation was initiated in response to complaints received on March 2, 2022 and March 3, 2022 (Incident No. 372592) alleging the discharge of wastewater solids into Brushy Creek. Since the investigation was initiated in response to a complaint, no advanced notice was given to the WWTF. The WWTF was contacted on March 2, 2022 just prior to Ms. Pope arriving at the WWTF. An exit interview, explaining the initial results of the investigation, was conducted via email on April 4, 2022 with Mr. John Heaps, Round Rock Wastewater Superintendent. A TCEQ Exit Interview Form was also e-mailed to Ms. Lisa Boatman, City of Austin Engineering Supervisor; Ms. Tammy West, City of Austin Wastewater Regulatory Manager; Mr. Brian Spencer, City of Cedar Park Water Treatment Plant Superintendent; and Mr. Eric Rauschuber, Utilities Director on April 5, 2022 (Attachment III). Based on the findings of this investigation, Notice of Enforcement (NOE) letters were issued to each of the permittees to facilitate compliance. Mr. Heaps, Ms. West, Ms. Boatman, Mr. Rauschuber, and Mr.

Spencer were notified of the pending NOE letters during the exit interview.

GENERAL FACILITY AND PROCESS INFORMATION

The current water quality permit (effective May 14, 2020) is delineated into four phases (Interim I, Interim II, Interim III, and Final). Under the Interim I phase, the WWTF is permitted to discharge an annual average flow not to exceed 21.5 million gallons per day (MGD); an annual average flow of 25 MGD under the Interim II phase; an annual average flow of 30 MGD under the Interim III phase; and an annual average flow of 40 MGD under the Final phase. The WWTF was operating under the Interim I phase. A copy of the permit is attached (Attachment XI).

The major treatment units consist of bar screens, grit removal, anoxic basins, aerations basins, clarifiers, an ultraviolet (UV) disinfection system and basin (primary disinfection system), a chlorine gas chlorine disinfection system and basin (back-up disinfection system), a sodium dioxide de-chlorination system (part of the back-up disinfection system), a re-aeration cascade structure, and sludge presses. There are two on-site lift stations at the WWTF. The collection system also includes off-site lift stations, which were not evaluated as part of the investigation. The collection system was evaluated during a previous investigation conducted on March 15, 2018 (Investigation No. 1478792). See Investigation No. 1478792 for additional information. The WWTF has not completed any significant plant modifications and/or collection system upgrades since the last comprehensive compliance investigation (CCI). However, the WWTF was in process of expanding the WWTF to move into the Interim II phase of the permit.

Operator Status

While the CORR, City of Cedar Park, and City of Austin are co-permittees on the water quality permit, the WWTF and collection system are operated by the CORR. The WWTF's supervisor is Mr. Heaps, who holds a Category A wastewater license (WW0037347; Exp. 08/07/2023), which is an adequate level of license for this WWTF. This WWTF is a Category A WWTF. Mr. Villanueva is the WWTF' chief operator, who holds a Category B wastewater license (WW0046666; Exp. 08/21/2024). Mr. Villanueva operates the WWTF under the supervision of Mr. Heaps.

The CORR's collection system is supervised by Mr. Francisco Vicent, Operations & Maintenance Manager with the CORR, who holds a Category A wastewater license (WW0002140; Exp. 01/15/2024), which is an appropriate level of certification for the collection system.

Disinfection and Process Control

Process control tests were not performed on any of the investigation dates due to time constraints. The WWTF utilizes the UV disinfection system as the primary disinfection method. The chlorine gas disinfection and sulfur dioxide de-chlorination systems are used as a back-up disinfection method when the UV disinfection system is taken offline for repairs or maintenance. The WWTF utilizes chlorinated water (using gas chlorine) in the clarifiers as a process control measure to control algal growth and accumulation. The UV disinfection system was in use at the time of the investigation. The chlorine gas disinfection system, chlorine contact basin, and sulfur dioxide dichlorination system were not being utilized.

Other Authorizations

This major WWTF has the required stormwater Multi-Sector General Permit (MSGP) authorization (TXR05EN54). The WWTF also holds a 30 Texas Administrative Code (TAC), Chapter 210 authorization to re-use effluent for Type I and Type II uses. Type I effluent is currently being used. Additionally, the WWTF holds a Tier II registration (65926).

Publicly Owned Treatment Works

The WWTF has a pending pretreatment program (EPA ID Nos. TX0075167 and TX0101940000).

BACKGROUND

On December 15, 2021, a complaint and reconnaissance investigation (Investigation No. 1783037) was conducted at the WWTF in response to complaints alleging sewage in Brushy Creek, a raw sewage smell and foul smell in the creek, the WWTF being overloaded; the discharge of raw sewage into Brushy Creek from the WWTF; the build-up of brown sludge in Brushy Creek; sewage odor from the WWTF; partially treated sewage being discharged into Brushy Creek from the WWTF; the water in Brushy Creek downstream of the WWTF being dirty; untreated wastewater being pumped into Brushy Creek from the WWTF; and the dumping of sludge into Brushy Creek by the WWTF (Incident Nos. 372326, 374156 and 372326). Three alleged violations (failing to properly operate and

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maintain the WWTF resulting in the discharge of sludge into water in the state; failing to properly operate and maintain the WWTF; and failing to maintain compliance with the permitted effluent limits) and four Additional Issues were cited. NOE letters were issued to the permittees in response to the investigation. See Investigation No. 1783037 for more information.

The last CCI was conducted remotely on October 8, 2021 (Investigation No. 1770617) due to COVID-19. No alleged violations or Areas of Concern were cited. However, two Additional Issues were identified. A General Compliance letter was issued. See Investigation No. 1770617 for more information.

On March 16, 2021 and April 15, 2021, a complaint and reconnaissance investigation (Investigation No. 1710322) was conducted at the WWTF in response to complaints alleging poor water quality in Brushy Creek downstream of the WWTF (Incident No. 353170). Three alleged violations for failing to prevent an unauthorized discharge of wastewater and failing to comply with the permitted effluent limits for E. coli were cited. Notice of Violation (NOV) letters dated July 28, 2021 were issued to each of the permittees to facilitate compliance. See Investigation No. 1710322 for more information. The violations were subsequently resolved during a subsequent NOV file record review (FRR) investigation conducted on September 7, 2021 (Investigation No. 1762523). See Investigation No. 1762523 for more information.

From May 20, 2020 to May 22, 2020 and on May 26, 2020, a remote CCI was conducted at the WWTF (Investigation No. 1651332). Four alleged violations and five Additional Issues were cited. The documented violations addressed failures to properly develop and implement a Stormwater Pollution Prevention Plan; prevent the unauthorized/accidental discharge of wastewater into or adjacent to any water in the state, resulting in a fish kill; report all data on the monthly discharge monitoring reports; and transfer only reclaimed water that meets Type 1 Quality Requirements. Two existing alleged violations from a previous investigation (Investigation No. 1624712) were resolved as part of the this investigation. NOE letters dated June 19, 2020 were issued to each of the permittees to facilitate compliance. See Investigation No. 1651332 for more information.

On January 8, 2020 and January 16, 2020, wastewater complaint, stormwater MSGP reconnaissance, and wastewater reconnaissance investigations (Investigation No. 1624712) were conducted at the WWTF in response to a complaint (Incident No. 327678) alleging dumping of liquids onto County Road 123 and into Brushy Creek. Two alleged violations and an Additional Issue were cited. NOV letters dated February 24, 2020 were issued to permittees. See Investigation No. 1624712 for additional information. An On-Site Tier II Reporting investigation was conducted on January 16, 2020 (Investigation No. 1624713) at the WWTF in conjunction with Investigation No. 1624712. An alleged violation and an Additional Issue were cited. A NOV letter was issued to the City of Round Rock (operator of the WWTF) in response to the investigation. See Investigation No. 1624713 for additional information. A NOV FRR was subsequently conducted (Investigation No. 1651354) to resolve the outstanding alleged violation associated to Investigation No. 1624713. See Investigation No. 1651354 for additional information. The outstanding alleged violations associated to Investigation No. 1624712 were resolved as part of the May 2020 CCI (Investigation No. 1651332).

On March 8, 2019, an Emergency Response investigation (Investigation No. 1553156) was conducted in the WWTF's wastewater collection system in response to a reported unauthorized discharge from the CORR's collection system, which resulted in a fish kill (Incident No. 306912). An alleged violation for the unauthorized discharge and fish kill was cited and a NOE letter dated May 8, 2019 was issued to the CORR in response to the investigation. See Investigation No. 1553156 for additional information. The TCEQ Enforcement Division subsequently referred Investigation No. 1553156 and the associated violation back to the TCEQ Austin Regional Office for re-development. Specifically, the Enforcement Division requested that the alleged violation be associated to the RN for the City of Round Rock's wastewater collection system (RN102912565) instead of the RN for the WWTF (RN100822600). The requested change was completed and the alleged violation was subsequently re-referred to the Enforcement Division via a new investigation conducted on July 10, 2019 (Investigation No. 1579029). See Investigation No. 1579029 for additional information.

Prior to the current investigation, there were no outstanding/active alleged violations issued by the Austin Regional Office associated to the WWTF. There was an effective enforcement case for failing to prevent the unauthorized discharge of sewage from the WWTF's collection system, resulting in a fish kill (Enforcement Case No. 58030; TCEQ Docket No. 2019-1082-WQ-E). The case became effective on May 12, 2020 and is associated to the Regulated Entity Number (RN) for the WWTF's collection system (RN102912565). The violation shows as resolved as of March 8, 2019. The enforcement case was initiated in response to Investigation No. 1579029.

There was an open enforcement case (Enforcement Case No. 59597; TCEQ Docket No. 2020-0964-MLM-E) for the violations cited under Investigation No. 1651332. The case showed to be in the proposed status. All of the violations are shown to be resolved as of August 3, 2020. The enforcement case was initiated in response to Investigation No. 1651332.

There was not a pending or open enforcement case for the violations cited under Investigation No. 1783037.

According to the WWTF's self-reported effluent data (Attachment IX), the WWTF has had nine self-reported effluent violations in the last 12 months (one E. coli; four 2-hour peak flow violations; one daily average flow violation; and three Total Suspended Solids violations). These violations were addressed as an Additional Issue since the WWTF's self-reported effluent data is being monitored by the TCEQ Enforcement Division.

ADDITIONAL INFORMATION

A.) Complaint Investigation: The complainants' concerns were verified during the reconnaissance investigations, which are described below.

B.) March 2, 2022 Reconnaissance Investigation :

On March 2, 2022, the TCEQ Austin Regional Office was notified of an active wastewater solids discharge from the WWTF by the Texas Parks and Wildlife Department (TPWD). A photograph received at approximately 3:35 pm documented the discharge. At approximately 4:00 pm, Mr. Bost contacted Mr. Heaps regarding the discharge and to let Mr. Heaps know that Ms. Pope would be arriving at the WWTF to evaluate the operating conditions at the WWTF, the effluent discharge from the WWTF, and the condition of the creek at the outfall.

During the investigation, Ms. Pope observed the effluent leaving the clarifiers. The effluent basin located just prior to the UV disinfection basin, going out the outfall, and in the Brushy Creek was completely brown at and downstream of the outfall and had the same appearance as aeration basin material. The surface of all four clarifiers (Clarifier Nos. 1-4) were covered with sludge and no clear water was observed in any of the units.

See Attachment VII for investigation photographs.

C.) March 3, 2022 Reconnaissance Investigation:

On March 3, 2022, Ms. Pope and Mr. Bost returned to the WWTF to collect effluent samples and to evaluate the operating conditions at the WWTF. TCEQ Austin Regional Office management gave City of Round Rock representatives notice of the investigation prior to the investigators departing from the Regional Office. The investigators met with Mr. Villanueva and observed the clarifiers (Clarifier Nos. 1-4), UV disinfection basins, effluent cascade structure, and outfall. The surface of all four clarifiers was covered with sludge. No clear water was observed in any of the units. The effluent leaving the clarifiers, in the effluent basin located just prior to the UV disinfection basin, discharging through the outfall, and into Brushy Creek was completely brown and had the same appearance as aeration basin material. The creek at and downstream of the outfall was also completely brown and had the same appearance as aeration basin material. Settled sludge was observed in the creek at and up to 200 feet upstream of the outfall. The settled sludge was observed to approximately 200 feet upstream of the outfall. The water in the creek upstream of the 200-foot point was clear and live fish were observed. No live or dead fish were observed at and downstream of the outfall. The operator stated that the discharge had been occurring intermittently for approximately two weeks and that the sludge discharges occur when the flows through the WWTF are the highest. The operator stated that the flows at the WWTF usually increase between 10 am and 12 pm and start subsiding around 10 pm. The active sludge discharge was addressed as an alleged violation.

While evaluating the clarifiers, Mr. Bost observed that one of the two skimmers on the skimmer arm at Clarifier No. 2 was missing. The clarifier was designed to have two skimmers. This was initially documented during an investigation conducted on December 15, 2021 (Investigation No. 1783037). This was addressed as an Additional Issue. Mr. Bost also observed evidence of a prior unauthorized discharge from the effluent basin located just prior to the UV disinfection basin. More specifically, sewage debris was observed in the grating that covers the basin and on the ground in between the basin and the concrete structure located on the northern side of the basin. Sewage debris was also observed on the northern side of the concrete structure. This was addressed as an alleged violation. Also, the pump for the effluent composite sampler was not operational. The operator indicated that the pump may have tripped or clogged. The operator also stated that they had not yet collected their composite effluent samples for the day. He also stated that he usually doesn't start the composite sample collection process until the evening/night. In accordance with 30 Texas Administrative Code (TAC), Chapter 319.9(a), aside from

pH, total chlorine residual, dissolved oxygen, or other in-situ grab samples, WWTFs with a permitted average flow of 10 MGD or greater are required to collect 24-hour composite samples proportioned according to flow, collected no closer together than two hours apart in 12 individual portions. The water quality permit requires for composite samples to be collected for Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD₅), Total Suspended Solids (TSS), Ammonia-Nitrogen (NH₃-N), and Total Phosphorous to be collected once per day. Since the effluent composite sampler pump was not operational and the operator had not collected composite samples, the WWTF failed to collect 24-hour composite samples for CBOD₅, TSS, NH₃-N, and Total Phosphorous for March 2, 2022 - March 3, 2022, as required by the water quality permit and 30 TAC, 319.9(a). It was also observed that the chlorine contact basin was not in use. However, accumulated sludge and pooled water was observed on the bottom of the chlorine contact basin.

Mr. Bost collected effluent samples for CBOD₅, TSS, NH₃-N, Total Phosphorous, Total Dissolved Solids (TDS), Total Chloride, Nitrate-Nitrogen, and E. coli during the investigation. The E. coli sample was collected from a designated sample spigot that is located above the effluent cascade structure while the other samples were collected from the effluent discharge structure just prior to the effluent discharging into the creek. The sample results for CBOD₅ (39.0 mg/L), TSS (396 mg/L), and E. coli (17,300 MPN/100 mL) exceeded the permitted limits. The TSS and E. coli results exceeded the respective limits by more than 40%. Additionally, the sample result for the Total Phosphorous sample was elevated. See Attachment II for a copy of the sample results. The non-compliance sample results were addressed as part of an alleged violation. The operator collected samples alongside Mr. Bost. The investigators noted that the sample containers used by the operator were not labeled nor did the operator write down the time the samples were collected. The investigators also noted that the operator had two bacteria bottles (not labeled or marked) and a larger container (maybe one liter, at largest) to collect the effluent with. This container was also not labeled or marked. The investigators noted that the operator put the bottles in the city truck but did not appear to put them on ice. A chain of custody was not observed.

After evaluating the WWTF, the investigators drove to and observed the creek at the County Road 123 low water crossing, which is approximately 1.80 miles downstream of the outfall. The water in the creek upstream and downstream of the low water crossing was completely brown, turbid, and had a strong sewage odor. An E. coli sample collected from the upstream side of the water crossing had a resulting concentration of >24,200 MPN/100 mL. See Attachment II for a copy of the sample results. Upon leaving the WWTF, the investigators observed a sludge transporter truck (Porta Kan) leaving the WWTF. The WWTF is authorized to accept and treat septic waste.

According to 30 TAC, Chapter 307.10(1) (relating to Texas Surface Water Quality Standards - Site Specific Uses and Criteria for Classified Segments), Brushy Creek is a primary contact recreation water body 1 (PCR₁). 30 TAC 307.7(b)(1)(A)(i) establishes that the single grab sample criteria for PCR₁ water bodies is 399 MPN/100 mL.

See Attachment VI for photographs taken during the March 3, 2022 investigation.

D.) March 4, 2022 Reconnaissance Investigation :

On March 4, 2022, Ms. Pope and Mr. Keffer conducted a follow-up investigation at the WWTF. During the investigation, the investigators observed the effluent leaving the clarifiers, in the effluent basin located just prior to the UV disinfection basin, going out the outfall, and in the Brushy Creek was lightly tinted brown at and downstream of the outfall but appeared to be of better clarity than the previous two days. The surface of all four clarifiers were mostly covered with sludge but the investigators were able to see some clear water compared to the previous two days. See Attachment V for investigation photographs.

The investigators collected additional samples for CBOD₅, TSS, NH₃-N, Total Phosphorous, TDS, Total Chloride, Nitrate-Nitrogen, and E. coli from the effluent discharge structure just prior to the effluent discharging into the creek. The sample results for CBOD₅ (180 mg/L) and E. coli (11,200 MPN/100 mL) exceeded the permitted limits by more than 40%. Additionally, the concentration of the TSS grab sample (24.7 mg/L) was elevated. The non-compliant samples were addressed as part of an alleged violation. See Attachment I for copies of the sample results.

E.) Water Quality Standards and 303d Information: According to 30 TAC, Chapter 307.10(1) (relating to Texas Surface Water Quality Standards - Site Specific Uses and Criteria for Classified Segments), Brushy Creek is a PCR₁ with high aquatic life use, has aquifer protection use (applies to the contributing, recharge, and transition zones of the Edwards Aquifer), and a source of water for public water supplies. The TCEQ's Edwards Aquifer Web Viewer shows that the WWTF and most of Brushy Creek located downstream of the WWTF is located over the Edwards

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Aquifer Transition Zone. 30 TAC 307.3 defines PCR1 as "Activities that are presumed to involve a significant risk of ingestion of water (e.g., wading by children, swimming, water skiing, diving, tubing, surfing, handfishing as defined by Texas Parks and Wildlife Code, §66.115, and the following whitewater activities: kayaking, canoeing, and rafting)." 30 TAC 307.7(b)(1)(A)(i) establishes that the geometric mean (average) for E. coli samples for PCR1 water bodies is 126 per 100 mL while the single sample criteria is 399 per 100 mL.

Additionally, according to the 2020 Texas Integrated Report - Texas 303(d) List, Brushy Creek (Segment No. 1244) is listed as impaired for bacteria from the confluence of the San Gabriel River upstream to the confluence of Mustang Creek and from the confluence of Cottonwood Creek upstream to the confluence of Lake Creek.

F.) TCEQ Non-Compliance Notification:

On March 2, 2022 at approximately 4:00 pm, Mr. Bost contacted Mr. Heaps to notify him of the wastewater solids discharge into Brushy Creek. Mr. Heaps was advised that a photograph of the discharge was received from TPWD at approximately 3:35 pm that afternoon. A notice from the City was received via the ChemTel after hours service on March 3, 2022 at 19:01 (Report No. 20220680) that TSS samples were above permitted limits.

G.) Public and Media Notifications:

As stated in the above paragraph, Mr. Bost contacted Mr. Heaps at approximately 4:00 pm on March 2, 2022 to notify him of the wastewater solids discharge into Brushy Creek. Mr. Heaps stated that he wasn't aware of the discharge. Mr. Bost told Mr. Heaps that the discharge began (at latest) around 3:35 pm on March 2, 2022 (when the photograph was received from TPWD) and the City would need to begin collecting effluent flow data between 3:35 pm to when the discharge ceases. Mr. Bost advised Mr. Heaps that if the discharge amount meets or exceeds 100,000 gallons, the WWTF would need to provide media and public notifications.

On March 4, 2022, the City of Round Rock posted a notice on the City's website stating that the WWTF is experiencing a significant increase in the amount of wastewater that the WWTF is receiving, therefore putting the WWTF above its permitted discharge levels for volume of wastewater. The article did not acknowledge the discharge of wastewater solids to the creek. A photograph provided in the article reflected that a sign had been placed at the County Road 123 low water crossing advising residents to not enter the creek. On March 10, 2022, KXAN issued a news article over the discharge. See Attachment X for copies of the articles.

H.) Design Criteria Applicability: The existing WWTF is subject to the Chapter 317 design criteria. The new treatment units being constructed as part of the expansion are subject to the Chapter 217 design criteria.

Compliance Documentation

No compliance documentation has been received.

NOE Date: 4/12/2022

**OUTSTANDING ALLEGED VIOLATION(S)
ASSOCIATED TO A NOTICE OF ENFORCEMENT**

Track Number: 807226

Compliance Due Date: To Be Determined

Violation Start Date: 3/2/2022

- 2D TWC Chapter 26.121(a)(1)**
- 30 TAC Chapter 305.125(1)**
- 30 TAC Chapter 305.125(5)**
- 30 TAC Chapter 307.4(b)(2)**
- 30 TAC Chapter 307.4(b)(4)**
- 30 TAC Chapter 307.4(b)(5)**
- 30 TAC Chapter 317.1(a)**
- 30 TAC Chapter 317.4(a)(4)**
- 30 TAC Chapter 317.4(d)(5)**
- 30 TAC Chapter 317.4(g)(1)**

EPA ID TX0101940, Int. I Eff Lim & Mon Req No. 4, Pg. 2a

Interim I Effluent Limitations and Monitoring Requirements No. 4, Page 2a

EPA ID TX0101940, Permit Conditions No. 2.d, Page 16

Permit Conditions No. 2.d, Page 16

EPA ID TX0101940, Operational Requirements No. 1, Page 13

Operational Requirements No. 1, Page 13

Alleged Violation:

Investigation: 1805086

Comment Date: 04/01/2022

Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, resulting in the failure to maintain compliance with permitted effluent limits, prevent the discharge of sludge into water in the state, and comply with Texas Surface Water Quality Standards. Specifically, on March 2, 2022, March 3, 2022, and March 4, 2022, sludge management deficiencies were observed in all four of the clarifiers. Turbid effluent, having the same appearance as aeration basin material, was discharging through the outfall and into Brushy Creek. Effluent samples collected on March 3, 2022 for Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD₅), Total Suspended Solids (TSS), and E. coli exceeded the permitted grab sample limits. The TSS and E. coli results exceeded the limits by more than 40%. Effluent samples collected on March 4, 2022 for CBOD₅ and E. coli exceeded the permitted grab sample limits by more than 40%. Additionally, an E. coli grab sample collected from the creek approximately 1.80 miles downstream of the WWTF had a concentration of >24,200 MPN/100 mL. According to City of Round Rock representatives, the Wastewater Treatment Facility (WWTF) is hydraulically overloaded and cannot properly treat the incoming wastewater.

Recommended Corrective Action: Submit documentation demonstrating that the discharge of solids to the creek have ceased and the actions taken to prevent additional discharges.

Submit documentation demonstrating that the discharged solids have been removed and properly disposed of.

Submit documentation describing the corrective actions taken to prevent additional effluent violations.

Submit documentation demonstrating that the WWTF has returned to compliance with permitted effluent limits, including 3 consecutive months of compliant effluent data following March 2022.

Additional corrective actions may be required by the TCEQ Enforcement Division.

Track Number: 807230

Compliance Due Date: To Be Determined

Violation Start Date: 3/3/2022

2D TWC Chapter 26.121(a)(1)

30 TAC Chapter 305.125(1)

30 TAC Chapter 305.125(5)

EPA ID TX0101940, Permit Conditions No. 2.g, Pages 9-10

Permit Conditions No. 2.g, Pages 9-10

EPA ID TX0101940, Operational Requirements No. 1, Page 13

Operational Requirements No. 1, Page 13

Alleged Violation:

Investigation: 1805086

Comment Date: 04/01/2022

Failed to prevent the unauthorized discharge of wastewater. Specifically, on March 3, 2022, evidence of a prior unauthorized discharge was observed from the effluent basin located just prior to the ultraviolet disinfection basin.

Recommended Corrective Action: Submit documentation demonstrating that the wastewater material has been removed and properly disposed of.

Submit documentation describing the corrective actions taken to prevent additional discharges.

Additional corrective actions may be required by the TCEQ Enforcement Division.

Track Number: 807231

Compliance Due Date: To Be Determined

Violation Start Date: 3/2/2022

30 TAC Chapter 305.125(1)

30 TAC Chapter 305.125(5)

30 TAC Chapter 319.9(a)

EPA ID TX0101940, Int. I Eff Lim. & Mon. Req. No. 1, Pg. 2

Interim I Effluent Limitations and Monitoring Requirements No. 1, Page 2

EPA ID TX0101940, Def. & Std. Per. Cond. No. 3.a, Pg. 4

Definitions and Standard Permit Conditions No. 3.a, Page 4

EPA ID TX0101940, Operational Requirements No. 1, Page 13

Operational Requirements No. 1, Page 13

Alleged Violation:

Investigation: 1805086

Comment Date: 04/01/2022

Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, resulting in the failure to collect 24-hour effluent composite samples. Specifically, on March 3, 2022, the pump for the effluent composite sampler was not operational. As a result, 24-hour composite samples for March 2, 2022 through March 3, 2022 were not collected for analysis.

Recommended Corrective Action: Submit documentation demonstrating that the pump for the effluent composite sampler has been repaired or replaced and 24-hour composite samples are now being collected in accordance with 30 Texas Administrative Code, Chapter 319.9(a).

Additional corrective actions may be required by the TCEQ Enforcement Division.

Additional Issues

Description Item #1

Additional Comments

The WWTF's outfall needs to be checked at least daily so that any adverse conditions (sludge deposits, floating solids, any foaming or frothing of persistent nature, foam discharges in other than trace amounts, etc.) can be promptly addressed.

Description Item 4

Additional Comments

On March 3, 2022, one of the two skimmers on the skimmer arm at Clarifier No. 2 was missing. The clarifier was designed to have 2 skimmers. This was initially documented during an investigation conducted on December 15, 2021 (Investigation No. 1783037). Two skimmers need to be provided for the clarifier.

Description Item 5

Additional Comments

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In accordance with Monitoring and Reporting Requirements No. 7.a on pages 6 and 7 of the water quality permit, any noncompliance which may endanger human health or safety, or the environment, shall be reported by the permittee to the TCEQ within 24 hours of becoming aware of the non-compliance via phone or fax. A non-compliance notification shall be submitted to the TCEQ Enforcement Division (Mail Code 224) and the TCEQ Austin Regional Office (Mail Code Region 11) within 5 working days of becoming aware of the non-compliance.

Description Item 6

Additional Comments

Per 30 Texas Administrative Code (TAC), Chapter 319.302(b), in addition to non-compliance notifications required by 30 TAC 305.125(9), 30 TAC, Chapter 327, and those required by the water quality permit, the owner of the facility must notify appropriate local government officials and the local media whenever spills, meeting the criteria established under 30 TAC, Chapter 319.302(b) occur. The notices must be made in accordance with 30 TAC, Chapter 319.302(c), 30 TAC, Chapter 309.302(d), and 30 TAC, Chapter 319.303.

Description Item 7

Additional Comments

According to the WWTF's self-reported effluent data, there have been nine self-reported effluent violations in the last 12 months (one E. coli; four 2-hour peak flow violations; one daily average flow violation; and three Total Suspended Solids).

Steps must be taken to return to compliance with permitted effluent limits. These violations may be subject to administrative penalties upon review by the TCEQ Enforcement Division.

Signed *Charlotte Pope*

Environmental Investigator

Date 4/11/2022

Signed *Shawn Steva*

Supervisor

Date 4/11/22

Attachments: (in order of final report submittal)

- Enforcement Action Request (EAR)
- Letter to Facility (specify type) : Notice of Enforcement
- Investigation Report
- Sample Analysis Results
- ____ Manifests
- ____ Notice of Registration

- ____ Maps, Plans, Sketches
- Photographs
- ____ Correspondence from the facility
- Other (specify) :

List of Attached files

Attachment IV.pdf

Attachment VII.pdf

Attachment V.pdf

Attachment I.pdf

March 3, 2022 Investigation Photographs.pdf

Attachment II.pdf

Permit 10264002.pdf

Attachment X.pdf

Brushy Creek Regional East WWTF E-90 Report- Run 3-30-2022.pdf

Brushy Creek Regional East WWTF ICIS Report- Run 3-30-2022.pdf

Attachment IX.pdf

Map.jpg

Attachment III.pdf