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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

August 13, 2025

### **EMAIL RECEIPT REQUESTED**

The Honorable Andrew Biery  
Mayor of Austwell  
P.O. Box 147  
Austwell, Texas 77950

Via Email

Re: Acceptance of Compliance Plan for: City of Austwell Wastewater Treatment Plant, located 80 feet southwest of the intersection of Main Street and Stevens Street, Austwell (Refugio County), Texas. Regulated Entity No. 101608347, TCEQ ID No. WQ0011117001, EPA ID No. TX0048038, Investigation No. 2084929

Dear Mayor Biery:

The Texas Commission on Environmental Quality (TCEQ) Corpus Christi Region Office has completed a review of the compliance plan and additional information that was submitted on June 26, 2025 to resolve the alleged violation dealing with the aeration basins and uneven flow over the clarifier's weirs (Track No. 919917). This alleged violation was noted during the investigation of the above-referenced facility conducted on May 21, 2025. The compliance plan appears to identify necessary corrective action for the alleged violation. We will monitor your progress in implementing corrective action. You should submit to our office by August 31, 2026, the required documentation demonstrating that the alleged violation has been resolved. Please be advised, though, that if we determine during follow-up monitoring that you are not working towards compliance or the problem has escalated, further enforcement action will be considered. In addition, we received adequate compliance documentation on June 26, 2025 to resolve alleged violations, Track Nos. 919915, 919916, 919918 and 919919.

The Texas Commission on Environmental Quality appreciates your assistance in this matter and anticipates that you will resolve the alleged violations as required in order to protect the State's environment. If you or members of your staff have any questions, please feel free to contact Mr. Travis Prater in the Corpus Christi Region Office at (361) 881-6900.

Sincerely,

A handwritten signature in black ink, appearing to read "Zachary Fuqua".

Zachary Fuqua  
Water Section Manager  
Corpus Christi Region Office

ZF/TP/at

Enclosure: Summary of Investigation Findings

cc: Mr. Rene Rodriguez Jr., Operator - via email  
Ms. Barbara Merchant, Secretary - via email

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# Summary of Investigation Findings

CITY OF AUSTWELL PLANT

Investigation # 2084929

Investigation Date: 08/11/2025

, REFUGIO COUNTY,

Additional ID(s): WQ0011117001  
TX0048038

## OUTSTANDING ALLEGED VIOLATION(S)

Track No: 919917 Compliance Due Date: 08/31/2026

30 TAC Chapter 305.125(5)

30 TAC Chapter 317.4(d)(3)

### PERMIT WQ0011117001, Operational Requirements No. 1, Pg. 13

The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control.

### EPA ID TX0048038, Operational Requirements No. 1, Pg. 13

#### Alleged Violation:

Investigation: 2070093

Comment Date: 06/09/2025

Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

An investigation conducted on May 21, 2025 determined that the facility was not properly operated and maintained in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control. Specifically, the 30-minute settleable solids concentration (SV30) in the Northside and the Southside aeration basins were 0%. A solids concentration of between 10% and 50% is generally recommended. In addition, the clarifier weirs were not level which was causing an uneven flow over the weirs.

Investigation: 2084929

Comment Date: 08/08/2025

During the file record review conducted on August 11, 2025, the compliance plan and additional information submitted by the facility on June 26, 2025, was reviewed. Specifically, the City of Austwell has received bid offers for the replacement wastewater treatment package plant and are in the process of selecting an acceptable package plant to meet the needs of the city. In the meantime, the operator will attempt to maintain a solids concentration between 10% and 50% in the aeration basins.

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Austwell until August 31, 2026, to ensure the clarifier weirs is level to prevent short circuiting and the aeration basins are properly maintained.

**Recommended Corrective Action:** The permittee shall ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the aeration basins should be operated and maintained with solids concentration of between 10% and 50%. Additionally, the clarifier weirs shall be level to prevent short circuiting. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement by the compliance due date.

## ALLEGED VIOLATION(S) NOTED AND RESOLVED

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Track No: 919915

30 TAC Chapter 305.125(5)

30 TAC Chapter 317.7(i)

**PERMIT WQ0011117001, Operational Requirements No. 1, Pg. 13**

The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

**EPA ID TX0048038, Operational Requirements No. 1, Pg. 13**

**Alleged Violation:**

Investigation: 2070093

Comment Date: 06/09/2025

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Failed to provide atmospheric vacuum breakers on all potable water spigots located at the wastewater treatment plant (WWTP).

An investigation conducted on May 21, 2025 documented the water spigots located at the Northside aeration basin and at the double-check backflow preventer were not equipped with atmospheric vacuum breakers.

Investigation: 2084929

Comment Date: 08/08/2025

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A file record review was conducted to evaluate the compliance documentation submitted for this alleged violation.

**Recommended Corrective Action:** The permittee shall install vacuum breakers on all potable water spigots located within the WWTP. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement by the compliance due date.

**Resolution:** On June 26, 2025, the facility submitted documentation and photographs. Specifically, the permittee installed atmospheric vacuum breakers on both potable water spigots located within the WWTP.

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Track No: 919916

30 TAC Chapter 305.125(5)

**PERMIT WQ0011117001, Operational Requirements No. 1, Pg. 13**

The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

**EPA ID TX0048038, Operational Requirements No. 1, Pg. 13**

**Alleged Violation:**

Investigation: 2070093

Comment Date: 06/04/2025

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Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

An investigation conducted on May 21, 2025 documented that the two sludge drying beds were not properly maintained. Specifically, both drying beds were overgrown with heavy vegetation.

Investigation: 2084929

Comment Date: 08/08/2025

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A file record review was conducted to evaluate the compliance documentation submitted for this alleged violation.

**Recommended Corrective Action:** The permittee shall ensure the facility, and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the sludge drying beds shall be maintained in order for the sludge to drain and adequately dry. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement by the compliance due date.

**Resolution:** On June 26, 2025, the facility submitted documentation and photographs. Specifically, the permittee cleaned the sludge drying beds.

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Track No: 919918

30 TAC Chapter 305.125(5)

30 TAC Chapter 317.3(a)

30 TAC Chapter 317.3(c)(2)

Summary of Investigation Findings

**PERMIT WQ0011117001, Operational Requirements No. 1, Pg. 13**

The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

**EPA ID TX0048038, Operational Requirements No. 1, Pg. 13****Alleged Violation:**

Investigation: 2070093

Comment Date: 06/04/2025

Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

An investigation conducted on May 21, 2025 documented that the North and South lift stations were not properly secured. Specifically, both lift station wet wells and control panels had locks that would not lock. In addition, the South lift station only had one operational pump. Pump No. 1 was removed and being repaired.

On May 30, 2025, the operator submitted photographs showing new locks were installed on the wet well hatch and control panel for both the North and South lift station.

Investigation: 2084929

Comment Date: 08/08/2025

A file record review was conducted to evaluate the compliance documentation submitted for this alleged violation.

**Recommended Corrective Action:** The permittee shall ensure the lift stations are properly operated and maintained. Specifically, a minimum of two operational pumps shall be installed at each lift station. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement by the compliance due date.

**Resolution:** On June 26, 2025, the facility submitted documentation and photographs. Specifically, the permittee installed a second pump at the South lift station which is now being operated with two pumps.

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**Track No: 919919****30 TAC Chapter 305.125(5)****30 TAC Chapter 317.4(b)(4)****PERMIT WQ0011117001, Operational Requirements No. 1, Pg. 13**

The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

**EPA ID TX0048038, Operational Requirements No. 1, Pg. 13****Alleged Violation:**

Investigation: 2070093

Comment Date: 06/04/2025

Failed to ensure screenings and grit are disposed of in an approved manner.

An investigation conducted on May 21, 2025 documented the screenings and grit removed from the mechanical bar screen were being stored in one of the sludge drying beds and a storage container with no lid.

Investigation: 2084929

Comment Date: 08/08/2025

A file record review was conducted to evaluate the compliance documentation submitted for this alleged violation.

**Recommended Corrective Action:** The permittee shall ensure the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, all screenings and grit shall be disposed of in an approved manner. Suitable containers with lids shall be provided for holding screenings. Runoff control must be provided around the containers where applicable. Fine screen tailings are considered as infectious waste; therefore, containers must provide vector control if wastes are not disposed of daily at a Type 1 landfill. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement by the compliance due date.

**Resolution:** On June 26, 2025, the facility submitted documentation and photographs. Specifically, the permittee installed a trash can with a tight-fitting lid for the temporary storage of

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screenings and grit. Additionally, the screenings and grit were removed from the sludge drying beds.