

Executive Summary – Enforcement Matter – Case No. 46390

Aqua Texas, Inc.

RN102341666

Docket No. 2013-0481-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Industrial Utilities Wastewater Treatment Facility, located on the south side of Carpenters Bayou, approximately 0.75 mile southeast of Carpenters Bayou's crossing of IH- 10, Harris 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 2, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$19,125

Amount Deferred for Expedited Settlement: \$3,825

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$15,300

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Executive Summary – Enforcement Matter – Case No. 46390

Aqua Texas, Inc.

RN102341666

Docket No. 2013-0481-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: February 12, 2013

Date(s) of NOE(s): February 21, 2013

Violation Information

Failed to comply with permitted effluent limitations for total residual chlorine [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System Permit No. WQ0012122001, Final Effluent Limitations and Monitoring Requirements No. 2].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures:

- a. By November 1, 2012, determined the cause of non-compliance and replaced a malfunctioning treatment system chlorinator; and
- b. By January 31, 2013, returned to compliance with the permitted effluent limitations.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Remington Burklund, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2611; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Robert Laughman, President, Aqua Texas, Inc., 1106 Clayton Lane Suite 400 West, Austin, Texas 78723

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

DATES	Assigned	25-Feb-2013	Screening	5-Mar-2013	EPA Due	5-Mar-2013
	PCW	13-Mar-2013				

RESPONDENT/FACILITY INFORMATION	
Respondent	Aqua Texas, Inc.
Reg. Ent. Ref. No.	RN102341666
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	46390	No. of Violations	2
Docket No.	2013-0481-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Remington Burklund
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$22,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	10.0% Enhancement	Subtotals 2, 3, & 7	\$2,250
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Notes: Enhancement for three months of self-reported effluent violations and one NOV with same/similar violations. Reduction for high performer classification.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$5,625
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$586	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$10,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$19,125
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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	\$19,125
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$19,125
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DEFERRAL	20.0% Reduction	Adjustment	-\$3,825
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$15,300
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Screening Date 5-Mar-2013

Docket No. 2013-0481-MWD-E

PCW

Respondent Aqua Texas, Inc.

Policy Revision 3 (September 2011)

Case ID No. 46390

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102341666

Media [Statute] Water Quality

Enf. Coordinator Remington Burkland

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	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>)	4	20%
	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	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 (<i>number of judgements 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%
<i>Please Enter Yes or No</i>			
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) 20%

>> **Repeat Violator (Subtotal 3)**

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Adjustment Percentage (Subtotal 7) -10%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for three months of self-reported effluent violations and one NOV with same/similar violations. Reduction for high performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 10%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 10%

Screening Date 5-Mar-2013

Docket No. 2013-0481-MWD-E

PCW

Respondent Aqua Texas, Inc.

Policy Revision 3 (September 2011)

Case ID No. 46390

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102341666

Media [Statute] Water Quality

Enf. Coordinator Remington Burklund

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012122001, Final Effluent Limitations and Monitoring Requirements No. 2

Violation Description

Failed to comply with permitted effluent limitations, as documented in a record review conducted on February 12, 2013, and shown in the attached 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

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or the environment as a result of this violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2

91 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$7,500

Two quarterly events are recommended for the quarters containing the monitoring periods ending November 30, 2011, January 31, 2012, and April 30, 2012.

Good Faith Efforts to Comply

25.0% Reduction

\$1,875

	Before NOV	NOV to EDPRP/Settlement Offer
	Extraordinary	
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent achieved compliance by January 31, 2013, prior to the February 21, 2013 NOE.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$586

Violation Final Penalty Total \$6,375

This violation Final Assessed Penalty (adjusted for limits) \$6,375

Economic Benefit Worksheet

Respondent Aqua Texas, Inc.
Case ID No. 46390
Reg. Ent. Reference No. RN102341666
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	Onetime Costs	EB Amount
No commas or \$							

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	30-Nov-2011	31-Jan-2013	1.17	\$586	n/a	\$586

Notes for DELAYED costs

Estimated cost to determine the cause of non-compliance and to replace a malfunctioning chlorinator at the Facility in order to return to compliance with permitted effluent limitations. Date Required is the initial date of non-compliance. Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$586

Screening Date 5-Mar-2013

Docket No. 2013-0481-MWD-E

PCW

Respondent Aqua Texas, Inc.

Policy Revision 3 (September 2011)

Case ID No. 46390

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102341666

Media [Statute] Water Quality

Enf. Coordinator Remington Burklund

Violation Number 2

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), TPDES Permit No. WQ0012122001, Final Effluent Limitations and Monitoring Requirements No. 2

Violation Description Failed to comply with permitted effluent limitations, as documented in a record review conducted on February 12, 2013, and shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		X		30.0%
Potential				

>> Programmatic Matrix

Matrix Notes	Falsification			Percent
	Major	Moderate	Minor	
Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels protective of human health or the environment as a result of this violation.				0.0%

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 2 Number of violation days 62

mark only one with an x	daily	
	weekly	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$15,000

Two monthly events are recommended for the monitoring periods ending May 31, 2012 and October 31, 2012.

Good Faith Efforts to Comply

25.0% Reduction

\$3,750

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes The Respondent achieved compliance by January 31, 2013, prior to the February 21, 2013 NOE.

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$12,750

This violation Final Assessed Penalty (adjusted for limits) \$12,750

Economic Benefit Worksheet

Respondent Aqua Texas, Inc.
Case ID No. 46390
Reg. Ent. Reference No. RN102341666
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	Onetime Costs	EB Amount
No commas or \$							

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

Delayed costs to determine cause of non-compliance are addressed in the economic benefit for Violation No. 1.

Avoided Costs

ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Aqua Texas, Inc.
Docket No. 2013-0481-MWD-E
TPDES Permit No. WQ0012122001

Effluent Parameter Violation Table

	Total Residual Chlorine	Total Residual Chlorine
	Minimum Concentration	Maximum Concentration
Month/Year	Limit = 1.0 mg/L	Limit = 4.0 mg/L
November 2011	0.35	c
January 2012	0.58	c
April 2012	0.63	c
May 2012	0.00	5.54
October 2012	c	6.56

c = compliant

mg/L = milligrams per liter

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.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN604062463, RN102341666, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN604062463, Aqua Texas, Inc. **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN102341666, INDUSTRIAL UTILITIES WASTEWATER TREATMENT FACILITY **Classification:** SATISFACTORY **Rating:** 1.33

Complexity Points: 6 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: ON THE SOUTH SIDE OF CARPENTERS BAYOU, APPROX 0.75 MI SE OF CARPENTERS BAYOU CROSSING OF IH10 IN HARRIS COUNTY, TX

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

WASTEWATER PERMIT WQ0012122001

WASTEWATER EPA ID TX0079383

WASTEWATER LICENSING LICENSE WQ0012122001

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: March 05, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 05, 2008 to March 05, 2013

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

Name: Remington Burklund

Phone: (512) 239-2611

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
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	March 17, 2008	(675048)
Item 2	April 17, 2008	(675049)
Item 3	May 19, 2008	(693407)
Item 4	June 16, 2008	(693408)
Item 5	July 24, 2008	(714650)

Item 6	August 20, 2008	(714651)
Item 7	September 29, 2008	(714653)
Item 8	October 22, 2008	(714652)
Item 9	November 17, 2008	(730602)
Item 10	December 09, 2008	(730600)
Item 11	February 20, 2009	(753819)
Item 12	March 13, 2009	(753822)
Item 13	May 14, 2009	(771197)
Item 14	June 12, 2009	(771198)
Item 15	September 01, 2009	(813555)
Item 16	September 18, 2009	(813556)
Item 17	September 28, 2009	(776769)
Item 18	October 16, 2009	(813557)
Item 19	November 17, 2009	(813558)
Item 20	January 18, 2010	(813560)
Item 21	February 17, 2010	(813554)
Item 22	March 16, 2010	(833995)
Item 23	April 19, 2010	(833996)
Item 24	May 17, 2010	(861678)
Item 25	May 18, 2010	(833997)
Item 26	June 14, 2010	(847225)
Item 27	August 17, 2010	(868046)
Item 28	August 24, 2010	(960370)
Item 29	September 17, 2010	(874982)
Item 30	October 20, 2010	(882589)
Item 31	November 10, 2010	(903271)
Item 32	November 12, 2010	(889014)
Item 33	December 20, 2010	(897379)
Item 34	February 17, 2011	(910195)
Item 35	March 14, 2011	(917405)
Item 36	April 20, 2011	(928200)
Item 37	May 18, 2011	(939097)
Item 38	June 16, 2011	(946479)
Item 39	July 20, 2011	(953764)
Item 40	September 14, 2011	(991692)
Item 41	September 16, 2011	(966426)
Item 42	October 21, 2011	(972436)
Item 43	November 17, 2011	(978585)
Item 44	March 20, 2012	(1004559)
Item 45	April 19, 2012	(1011141)
Item 46	May 15, 2012	(1032635)
Item 47	August 20, 2012	(1039060)
Item 48	September 17, 2012	(1047990)
Item 49	October 18, 2012	(1066462)
Item 50	December 14, 2012	(1066464)

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

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

- 1 Date: 04/30/2012 (1017500) CN604062463
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: 05/31/2012 (1025293) CN604062463
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

3 Date: 10/31/2012 (1066463) CN604062463
 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: 12/07/2012 (1045960) CN604062463
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 Description: Failed to maintain the required alarm system.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 Description: Failed to properly maintain the wet well.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 317 317.3(a)
 30 TAC Chapter 317 317.3(e)(4)(C)
 Description: Failed to secure the lift station in an intruder resistant manner.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 EL&MR PERMIT
 Description: Failed to maintain compliance with the permitted effluent limits.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 EL&MR PERMIT
 Description: Failed to maintain compliance with the permitted effluent limits.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 317 317.4(a)(8)
 Description: Failed to test the reduced-pressure backflow prevention assembly (RPZ) as required.

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
AQUA TEXAS, INC.
RN102341666

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2013-0481-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 Aqua Texas, Inc. ("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 on the south side of Carpenters Bayou, approximately 0.75 mile southeast of Carpenters Bayou's crossing of Interstate Highway 10 in Harris County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 26, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Nineteen Thousand One Hundred Twenty-Five Dollars (\$19,125) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fifteen Thousand Three

Hundred Dollars (\$15,300) of the administrative penalty and Three Thousand Eight Hundred Twenty-Five Dollars (\$3,825) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. 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.
8. 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).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By November 1, 2012, determined the cause of non-compliance and replaced a malfunctioning treatment system chlorinator; and
 - b. By January 31, 2013, returned to compliance with the permitted effluent limitations.
10. 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 Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System Permit No. WQ0012122001, Final Effluent Limitations and Monitoring Requirements No. 2, as documented during a record review conducted on February 12, 2013, and shown in the violation table below:

Effluent Parameter Violation Table		
	Total Residual Chlorine	Total Residual Chlorine
	Minimum Concentration	Maximum Concentration
Month/Year	Limit = 1.0 mg/L	Limit = 4.0 mg/L
November 2011	0.35	c
January 2012	0.58	c
April 2012	0.63	c
May 2012	0.00	5.54
October 2012	c	6.56

c = compliant

mg/L = milligrams per liter

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed 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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Aqua Texas, Inc., Docket No. 2013-0481-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 provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

3. This Agreed 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 Agreed 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.
4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed 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 Agreed 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.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Rowan
For the Executive Director

9/3/13
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, 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 Attorney General's Office 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 Attorney General's Office 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.

AB

Robert Laushman
Signature
ROBERT LAUSHMAN
PRESIDENT
Name (Printed or typed)
Authorized Representative of
Aqua Texas, Inc.

May 7, 2013
Date
PRESIDENT
Title

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