

**Executive Summary – Enforcement Matter – Case No. 54016
Aqua Texas, Inc.
RN102343175 and RN102340841
Docket No. 2017-0247-MWD-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Lake Livingston Village, located approximately 4,000 feet southeast of the intersection of Farm-to-Market (“FM”) Road 2457 and FM Road 3126, Polk County (“Facility 1”)
Oakwood Village, 5818 Paloma Drive, Spring, Harris County (“Facility 2”)

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 4, 2017

Comments Received: No

Penalty Information

Total Penalty Assessed: \$28,300

Amount Deferred for Expedited Settlement: \$5,660

Total Paid to General Revenue: \$22,640

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications (RN102343175):

Person/CN - Satisfactory

Site/RN - High

Compliance History Classifications (RN102340841):

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

**Executive Summary – Enforcement Matter – Case No. 54016
Aqua Texas, Inc.
RN102343175 and RN102340841
Docket No. 2017-0247-MWD-E**

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: November 8, 2016 and January 31, 2017

Date(s) of NOE(s): February 22, 2017

Violation Information

At Facility 1:

1. Failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0013209001, Permit Conditions No. 2.g].
2. Failed to maintain complete monitoring records. Specifically, the colorimeter accuracy check log was missing the times the checks were performed [30 TEX. ADMIN. CODE § 305.125(1) and (11)(C)(i) and TPDES Permit No. WQ0013209001, Monitoring and Reporting Requirements No. 3.c.i].
3. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the smaller two-horsepower pump was out of service at Lift Station No. 3; there were gaps at the bottom of the perimeter fence at Lift Station No. 4; and the audio/visual alarm at the Influent Lift Station was inoperable [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0013209001, Operational Requirements No. 1].
4. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained and failed to prevent the discharge of floating solids or visible foam other than trace amounts and the discharge of visible oil. Specifically, solids carryover from the clarifier to the chlorine contact chamber (“CCC”) caused the accumulation of approximately 0.75 foot of sludge within the CCC and the discharge of grease, sludge, and foam into the receiving stream [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0013209001, Operational Requirements No. 1 and Effluent Limitations and Monitoring Requirements No. 4].
5. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, grease was present in the clarifier; flow was underneath the weirs near the catwalk entrance to the clarifier; flow was uneven in the effluent weir trough of the clarifier; the staff gauge and flow meter sensor were not level; and severe corrosion was noted on multiple support structures throughout Facility No. 1

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[30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0013209001, Operational Requirements No. 1].

At Facility 2:

Failed to comply with permitted effluent limitations for residual chlorine, daily average flow, and ammonia nitrogen [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0012303001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures at Facility No. 1:

- a. By March 11, 2016, cleaned and disinfected the areas affected by the unauthorized discharges.
- b. By November 15, 2016:
 - i. Properly removed and disposed of the sludge in the CCC;
 - ii. Replaced the pump at Lift Station No. 2; and
 - iii. Replaced the floats at Lift Station No. 2.
- c. By March 28, 2017:
 - i. Began recording the time the accuracy check was performed on the colorimeter; and
 - ii. Replaced the inoperable pump at Lift Station No. 3.
- d. By March 30, 2017, repaired the fence gap at Lift Station No. 4.

Technical Requirements:

1. The Order will require the Respondent to, at Facility No. 1:
 - a. Within 30 days:
 - i. Properly level the staff gauge and the flow sensor;

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- ii. Repair or replace the audio/visual alarm at the Influent Lift Station;
 - iii. Properly remove and dispose of the grease in the clarifier; and
 - iv. Properly remove and dispose of the grease, sludge, and foam within the receiving stream that was discharged from the CCC.
- b. Within 45 days, submit written certification of compliance with a.
- c. Within 60 days:
- i. Conduct an engineering evaluation of Facility No. 1 and the associated collection system to determine the cause of and necessary corrective actions designed to minimize or prevent the unauthorized discharges from the collection system and the discharges of floating solids or visible foam other than trace amounts and the discharge of visible oil from CCC. The evaluation shall be prepared by a Texas registered professional engineer and shall include a plan and schedule for the completion of necessary corrective actions within 270 days;
 - ii. Repair or replace corroded support structures;
 - iii. Make any necessary repairs to level the clarifier or weirs to ensure the weirs have an even distribution of flow across them; and
 - iv. Repair the leaking weirs.
- d. Within 75 days, submit written certification of compliance with c.
- e. Within 285 days, submit written certification of completion of the corrective actions designed to prevent the unauthorized discharges from the collection system and the unauthorized discharges of floating solids or visible foam other than trace amounts and the discharge of visible oil from CCC.
2. The Order will also require the Respondent, at Facility No. 2, within 90 days, to submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0012303001, including specific corrective actions that were implemented to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Contact Information

TCEQ Attorney: N/A

**Executive Summary – Enforcement Matter – Case No. 54016
Aqua Texas, Inc.
RN102343175 and RN102340841
Docket No. 2017-0247-MWD-E**

TCEQ Enforcement Coordinator: Larry Butler, Enforcement Division,
Enforcement Team 3, MC 219, (512) 239-2543; Michael Parrish, Enforcement Division,
MC 219, (512) 239-2548
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 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	23-Jan-2017	Screening	15-Feb-2017	EPA Due	
	PCW	13-Apr-2017				

RESPONDENT/FACILITY INFORMATION

Respondent	Aqua Texas, Inc.		
Reg. Ent. Ref. No.	RN102343175 (Facility No. 1)		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	54016	No. of Violations	5
Docket No.	2017-0247-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Larry Butler
		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	\$13,750
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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	22.0% Adjustment	Subtotals 2, 3, & 7	\$3,025
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Notes: Enhancement for one dissimilar NOV and one agreed order containing a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$25
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$12,115	*Capped at the Total EB \$ Amount	
Estimated Cost of Compliance	\$92,962		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$16,750
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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	\$16,750
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$16,750
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DEFERRAL	20.0% Reduction	Adjustment	-\$3,350
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$13,400
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Screening Date 15-Feb-2017

Docket No. 2017-0247-MWD-E

PCW

Respondent Aqua Texas, Inc.

Policy Revision 4 (April 2014)

Case ID No. 54016

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102343175 (Facility No. 1)

Media [Statute] Water Quality

Enf. Coordinator Larry Butler

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	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 judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

Enhancement for one dissimilar NOV and one agreed order containing a denial of liability.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

Screening Date 15-Feb-2017
 Respondent Aqua Texas, Inc.
 Case ID No. 54016

Docket No. 2017-0247-MWD-E

PCW

Policy Revision 4 (April 2014)
 PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102343175 (Facility No. 1)

Media [Statute] Water Quality

Enf. Coordinator Larry Butler

Violation Number

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Adm. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013209001, Permit Conditions No. 2.g

Violation Description Failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state, as shown in the attached unauthorized discharge table.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	<input type="text" value="5.0%"/>
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					<input type="text" value="0.0%"/>

Matrix Notes

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty

Five quarterly events are recommended, one event for each discharge.

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal

Economic Benefit (EB) for this violation

Estimated EB Amount

Statutory Limit Test

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Aqua Texas, Inc.
Case ID No. 54016
Reg. Ent. Reference No. RN102343175 (Facility No. 1)
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
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Delayed Costs

Equipment	\$1,000	21-Dec-2015	8-Nov-2016	0.88	\$3	\$59	\$62
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,000	11-May-2015	8-Nov-2016	1.50	\$10	\$200	\$210
Engineering/Construction	\$50,000	11-May-2015	24-Dec-2017	2.62	\$437	\$8,749	\$9,186
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	\$1,000	11-May-2015	11-Mar-2016	0.84	\$42	n/a	\$42
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to replace the floats at Lift Station No. 2. Date required is the date the floats failed at Lift Station No. 2. Final date is the investigation date.

Estimated cost to replace the inoperable pump at Lift Station No. 2. Date required is the date of the first documented discharge. Final date is the investigation date.

Estimated cost for a registered Texas Professional Engineer to conduct an engineering evaluation of Facility No. 1 and the associated collection system to determine the cause of and necessary corrective actions designed to minimize or prevent the unauthorized discharges from the collection system and the discharges of grease, sludge, and foam from Outfall No. 001. Date required is the date of the first documented discharge. Final date is the estimated date of compliance.

Estimated cost to clean and disinfect the affected areas. Date required is the date of the first documented discharge. Final date is the end date of the last documented discharge.

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

\$54,000

TOTAL

\$9,500

Screening Date 15-Feb-2017
 Respondent Aqua Texas, Inc.
 Case ID No. 54016

Docket No. 2017-0247-MWD-E

PCW

Policy Revision 4 (April 2014)
 PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102343175 (Facility No. 1)

Media [Statute] Water Quality

Enf. Coordinator Larry Butler

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and (11)(C)(I) and TPDES Permit No. WQ0013209001, Monitoring and Reporting Requirements No. 3.c.I

Violation Description

Failed to maintain complete monitoring records. Specifically, the colorimeter accuracy check log was missing the times the checks were performed.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0.0%
Potential					

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 Number of violation days 99

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$25

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

Notes The Respondent achieved compliance by March 28, 2017.

Violation Subtotal \$225

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$280

This violation Final Assessed Penalty (adjusted for limits) \$280

Economic Benefit Worksheet

Respondent Aqua Texas, Inc.
Case ID No. 54016
Reg. Ent. Reference No. RN102343175 (Facility No. 1)
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
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$25	8-Nov-2016	28-Mar-2017	0.38	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to begin recording all the required information in the accuracy check log, including the time the accuracy check is performed on the colorimeter. Date required is the investigation date. 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

\$25

TOTAL

\$0

Screening Date 15-Feb-2017
 Respondent Aqua Texas, Inc.
 Case ID No. 54016

Docket No. 2017-0247-MWD-E

PCW

Policy Revision 4 (April 2014)
 PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102343175 (Facility No. 1)

Media [Statute] Water Quality

Enf. Coordinator Larry Butler

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0013209001, Operational Requirements No. 1

Violation Description

Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the smaller two-horsepower pump was out of service at Lift Station No. 3; there were gaps at the bottom of the perimeter fence at Lift Station No. 4; and the audio/visual alarm at the Influent Lift Station was inoperable.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Three single events are recommended, one event for each lift station documented in the violation.

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Aqua Texas, Inc.
Case ID No. 54016
Reg. Ent. Reference No. RN102343175 (Facility No. 1)
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$125	8-Nov-2016	24-Nov-2017	1.04	\$0	\$9	\$9
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,000	8-Nov-2016	28-Mar-2017	0.38	\$3	\$51	\$54
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)	\$50	8-Nov-2016	30-Mar-2017	0.39	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to repair or replace the audio/visual alarm at the Influent Lift Station. Date required is the investigation date. Final date is the estimated date of compliance.

Actual cost to replace the inoperable pump at Lift Station No. 3. Date required is the investigation date. Final date is the date of compliance.

Estimated cost to repair the fence gap at Lift Station No. 4. Date required is the investigation date. 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	\$2,175	TOTAL	\$64
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Screening Date 15-Feb-2017

Docket No. 2017-0247-MWD-E

PCW

Respondent Aqua Texas, Inc.

Policy Revision 4 (April 2014)

Case ID No. 54016

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102343175 (Facility No. 1)

Media [Statute] Water Quality

Enf. Coordinator Larry Butler

Violation Number 4

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0013209001, Operational Requirements No. 1 and Effluent Limitations and Monitoring Requirements No. 4

Violation Description

Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained and failed to prevent the discharge of floating solids or visible foam other than trace amounts and the discharge of visible oil. Specifically, solids carryover from the clarifier to the chlorine contact chamber ("CCC") caused the accumulation of approximately 0.75 foot of sludge within the CCC and the discharge of grease, sludge, and foam into the receiving stream.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm		
		Major	Moderate	Minor
Actual				X
Potential				

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violations.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2

99 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

Two quarterly events are recommended, calculated from the investigation date (November 8, 2016) to the screening date (February 15, 2017).

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$108

Violation Final Penalty Total \$3,050

This violation Final Assessed Penalty (adjusted for limits) \$3,050

Economic Benefit Worksheet

Respondent Aqua Texas, Inc.
Case ID No. 54016
Reg. Ent. Reference No. RN102343175 (Facility No. 1)
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	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	\$2,000	8-Nov-2016	24-Nov-2017	1.04	\$104	n/a	\$104
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$3,262	8-Nov-2016	15-Nov-2016	0.02	\$3	n/a	\$3

Notes for DELAYED costs

Economic benefit for an engineering evaluation is included with Violation No. 1.

Estimated cost to properly remove and dispose of the grease, sludge, and foam within the receiving stream that was discharged from Outfall No. 001. Date required is the investigation date. Final date is the estimated date of compliance.

Actual cost to remove and properly dispose of the sludge in the CCC. Date required is the investigation date. Final date is the date the sludge was removed.

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

\$5,262	TOTAL	\$108
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Screening Date 15-Feb-2017
 Respondent Aqua Texas, Inc.
 Case ID No. 54016

Docket No. 2017-0247-MWD-E

PCW

Policy Revision 4 (April 2014)
 PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102343175 (Facility No. 1)

Media [Statute] Water Quality

Enf. Coordinator Larry Butler

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0013209001, Operational Requirements No. 1

Violation Description

Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, grease was present in the clarifier; flow was underneath the weirs near the catwalk entrance to the clarifier; flow was uneven in the effluent weir trough of the clarifier; the staff gauge and flow meter sensor were not level; and severe corrosion was noted on multiple support structures throughout Facility No. 1.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual			X		5.0%
Potential					

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2 99 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

Two quarterly events are recommended, calculated from the investigation date (November 8, 2016) to the screening date (February 15, 2017).

Good Faith Efforts to Comply

0.0% Reduction \$0

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

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Estimated EB Amount \$2,443

Statutory Limit Test

Violation Final Penalty Total \$3,050

This violation Final Assessed Penalty (adjusted for limits) \$3,050

Economic Benefit Worksheet

Respondent Aqua Texas, Inc.

Case ID No. 54016

Reg. Ent. Reference No. RN102343175 (Facility No. 1)

Media Water Quality

Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	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	\$30,000	8-Nov-2016	24-Dec-2017	1.13	\$113	\$2,252	\$2,365
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	\$1,000	8-Nov-2016	24-Nov-2017	1.04	\$52	n/a	\$52
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	8-Nov-2016	24-Nov-2017	1.04	\$26	n/a	\$26

Notes for DELAYED costs

Estimated cost to repair or replace corroded support structures at Facility No. 1; to repair the leaking weir; and to make any necessary repairs to level the clarifier or weirs to ensure the weirs have an even distribution of flow across them. Date required is the investigation date. Final date is the estimated date of compliance.

Estimated cost to properly remove and dispose of the grease in the clarifier. Date required is the investigation date. Final date is the estimated date of compliance.

Estimated cost to level the staff gauge and the flow sensor. Date required is the investigation date. Final date is the estimated 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

\$31,500

TOTAL

\$2,443

Aqua Texas, Inc.
RN102343175 (Facility No. 1)
Docket No. 2017-0247-MWD-E
TPDES Permit No. WQ0013209001

Unauthorized Discharge Table

Start Date	End Date	Location	Gallons Discharged	Description
May 11, 2015	May 13, 2015	Manhole near Facility No. 1	1500	Inflow/Infiltration and inoperable pump
May 26, 2015	May 26, 2015	Lift Station No. 2	2000	Inflow/Infiltration and inoperable pump
December 21, 2015	December 21, 2015	Lift Station No. 2	500	Float failure
January 7, 2016	January 7, 2016	Manhole near Facility No. 1 and Lift Station No. 2	3000	Inflow/Infiltration
March 7, 2016	March 11, 2016	Manhole near Facility No. 1	4000	Inflow/Infiltration



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	27-Feb-2017	Screening	8-Mar-2017	EPA Due	
	PCW	16-Mar-2017				

RESPONDENT/FACILITY INFORMATION

Respondent	Aqua Texas, Inc.		
Reg. Ent. Ref. No.	RN102340841 (Facility No. 2)		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	54016	No. of Violations	2
Docket No.	2017-0247-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Larry Butler
		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** **\$8,750**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **32.0%** Adjustment **Subtotals 2, 3, & 7** **\$2,800**

Notes: Enhancement for six months of self-reported effluent violations and one NOV with dissimilar violations.

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** **\$0**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts \$2,476
Estimated Cost of Compliance \$25,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$11,550**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$11,550**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$11,550**

DEFERRAL **20.0%** Reduction Adjustment **-\$2,310**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$9,240**

Screening Date 8-Mar-2017

Docket No. 2017-0247-MWD-E

PCW

Respondent Aqua Texas, Inc.

Policy Revision 4 (April 2014)

Case ID No. 54016

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102340841 (Facility No. 2)

Media [Statute] Water Quality

Enf. Coordinator Larry Butler

Compliance History Worksheet

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

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	6	30%
	Other written NOVs	1	2%
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 judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 32%

>> **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 six months of self-reported effluent violations and one NOV with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 32%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 32%

Screening Date 8-Mar-2017

Docket No. 2017-0247-MWD-E

PCW

Respondent Aqua Texas, Inc.

Policy Revision 4 (April 2014)

Case ID No. 54016

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102340841 (Facility No. 2)

Media [Statute] Water Quality

Enf. Coordinator Larry Butler

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012303001, Effluent Limitations and Monitoring Requirements Nos. 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

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (5.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0.0%).

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amount of pollutants exceed levels protective of human health or the environment. Flow and chlorine residual were also considered. Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 4 182 Number of violation days

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event) and a grid for counts.

Violation Base Penalty \$5,000

Four quarterly events are recommended for the quarters containing the months of January, February, April, June, August, and October 2016.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Table with columns: Extraordinary, Ordinary, N/A and rows: Before NOE/NOV, NOE/NOV to EDPRP/Settlement Offer.

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,476

Violation Final Penalty Total \$6,600

This violation Final Assessed Penalty (adjusted for limits) \$6,600

Economic Benefit Worksheet

Respondent Aqua Texas, Inc.

Case ID No. 54016

Reg. Ent. Reference No. RN102340841 (Facility No. 2)

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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

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)	\$25,000	31-Jan-2016	23-Jan-2018	1.98	\$2,476	n/a	\$2,476

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and make any necessary adjustments or repairs to Facility No. 2. Date required is the end date of the first month of noncompliance. Final date is the estimated 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

\$25,000

TOTAL

\$2,476

Screening Date 8-Mar-2017

Docket No. 2017-0247-MWD-E

PCW

Respondent Aqua Texas, Inc.

Policy Revision 4 (April 2014)

Case ID No. 54016

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102340841 (Facility No. 2)

Media [Statute] Water Quality

Enf. Coordinator Larry Butler

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0012303001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amount of pollutants exceeded levels protective of human health or the environment. 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 \$21,250

\$3,750

Violation Events

Number of Violation Events 1

31 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One monthly event is recommended for July 2016.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$4,950

This violation Final Assessed Penalty (adjusted for limits) \$4,950

Economic Benefit Worksheet

Respondent Aqua Texas, Inc.

Case ID No. 54016

Reg. Ent. Reference No. RN102340841 (Facility No. 2)

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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

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

Economic benefit for this violation is included with 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.
 RN102340841 (Facility No. 2)
 Docket No. 2017-0247-MWD-E
 TPDES Permit No. WQ0012303001

Effluent Parameter Violation Table

	Chlorine Residual	Flow	Ammonia Nitrogen		
	Monthly Minimum	Daily Average	Daily Average Concentration	Single Grab Concentration	Daily Average Loading
Month/Year	Limit = 1.0 mg/L	Limit = 0.015 MGD	Limit = 3 mg/L	Limit = 15 mg/L	Limit = 0.38 lbs/day
January 2016	0.8	c	c	c	c
February 2016	0.8	0.0163	c	c	c
April 2016	c	c	4.02	15.76	c
June 2016	c	0.017	c	c	c
July 2016	c	c	6.84	c	1.276
August 2016	c	c	c	c	0.416
October 2016	c	c	6.43	c	0.467

c = compliant

lbs/day = pounds per day

mg/L = milligrams per liter

MGD = million gallons per day

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TCEQ Compliance History Report

Compliance History Report for CN604062463, RN102343175, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator: CN604062463, Aqua Texas, Inc. **Classification:** SATISFACTORY **Rating:** 1.50

Regulated Entity: RN102343175, Lake Livingston Village **Classification:** HIGH **Rating:** 0.00

Complexity Points: 4 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: APPROXIMATELY 4,000 FEET SOUTHEAST OF THE INTERSECTION OF FARM-TO-MARKET ROAD 2457 AND FARM-TO-MARKET ROAD 3126 IN POLK COUNTY, TEXAS

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s): **WASTEWATER PERMIT** WQ0013209001 **WASTEWATER EPA ID** TX0105031
WASTEWATER LICENSING LICENSE WQ0013209001
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1870156

Compliance History Period: September 01, 2011 to August 31, 2016 **Rating Year:** 2016 **Rating Date:** 09/01/2016

Date Compliance History Report Prepared: March 08, 2017

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 08, 2012 to March 08, 2017

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

Name: Larry Butler **Phone:** (512) 239-2543

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: 11/11/2012 ADMINORDER 2012-0636-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Description: Failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition.

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 18, 2012	(1005056)	Item 6	August 29, 2012	(1039596)
Item 2	April 18, 2012	(1011615)	Item 7	September 18, 2012	(1048522)
Item 3	May 21, 2012	(1017994)	Item 8	October 19, 2012	(1068739)
Item 4	June 20, 2012	(1025737)	Item 9	November 14, 2012	(1068740)
Item 5	July 19, 2012	(1033085)	Item 10	December 18, 2012	(1068741)

Item 11	January 16, 2013	(1082335)	Item 35	January 16, 2015	(1232821)
Item 12	February 15, 2013	(1082334)	Item 36	March 18, 2015	(1250190)
Item 13	March 13, 2013	(1090940)	Item 37	April 21, 2015	(1257086)
Item 14	April 15, 2013	(1097275)	Item 38	May 21, 2015	(1263855)
Item 15	May 13, 2013	(1108300)	Item 39	June 19, 2015	(1270952)
Item 16	June 18, 2013	(1111887)	Item 40	July 17, 2015	(1278511)
Item 17	July 16, 2013	(1118787)	Item 41	August 18, 2015	(1284691)
Item 18	August 20, 2013	(1126569)	Item 42	September 17, 2015	(1291812)
Item 19	September 16, 2013	(1131118)	Item 43	October 21, 2015	(1297987)
Item 20	October 23, 2013	(1136873)	Item 44	November 20, 2015	(1303435)
Item 21	November 18, 2013	(1142290)	Item 45	December 24, 2015	(1310422)
Item 22	December 20, 2013	(1148724)	Item 46	January 14, 2016	(1317181)
Item 23	January 20, 2014	(1154807)	Item 47	February 18, 2016	(1326542)
Item 24	February 20, 2014	(1162116)	Item 48	March 19, 2016	(1333302)
Item 25	March 21, 2014	(1168734)	Item 49	April 19, 2016	(1340444)
Item 26	April 18, 2014	(1175912)	Item 50	May 19, 2016	(1347256)
Item 27	May 20, 2014	(1182135)	Item 51	June 17, 2016	(1353668)
Item 28	June 17, 2014	(1189029)	Item 52	July 25, 2016	(1360649)
Item 29	July 21, 2014	(1194543)	Item 53	September 08, 2016	(1367091)
Item 30	September 10, 2014	(1200894)	Item 54	September 16, 2016	(1373813)
Item 31	September 22, 2014	(1207361)	Item 55	October 19, 2016	(1379962)
Item 32	October 18, 2014	(1213764)	Item 56	November 20, 2016	(1385920)
Item 33	November 19, 2014	(1220015)	Item 57	December 20, 2016	(1392070)
Item 34	December 22, 2014	(1225826)	Item 58	January 19, 2017	(1398675)

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:	08/22/2016	(1356158)		
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(2)			
	Description:	Failure by the Lake Livingston Village Water System to have records accessible for review during the investigation and upon request.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)			
	Description:	Failure by the Lake Livingston Village Water System to maintain records of the results of inspections for all water storage and pressure maintenance facilities for at least five years.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.110(c)			
	Description:	Failure by the Lake Livingston Village Water System to collect chlorine residuals at locations specified in the monitoring plan.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(l)			
	Description:	Failure by the Lake Livingston Village Water System to flush all dead end mains at monthly intervals.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.121(a)			
	Description:	Failure by the Lake Livingston Village Water System to maintain a copy of the monitoring plan at each water treatment plant and at a central location.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(3)			
	Description:	Failure by the Lake Livingston Village Water System to maintain an overflow gravity-hinged weighted cover that fit tightly with no gap over 1/16th inch on the 83,000 gallon ground storage tank.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(B)			
	Description:	Failure by the Lake Livingston Village Water System to provide a casing that extends a minimum of 18 inches above the elevation of the finished floor of the pump room or natural ground surface and a minimum of 1 inch above the sealing block.			

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

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

Compliance History Report for CN604062463, RN102340841, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator: CN604062463, Aqua Texas, Inc. **Classification:** SATISFACTORY **Rating:** 1.50

Regulated Entity: RN102340841, Oakwood Village **Classification:** SATISFACTORY **Rating:** 2.00

Complexity Points: 5 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: AT 5818 PALOMA DRIVE, SPRING IN HARRIS COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

ID Number(s): WASTEWATER PERMIT WQ0012303001 WASTEWATER EPA ID TX0085693

Compliance History Period: September 01, 2011 to August 31, 2016 **Rating Year:** 2016 **Rating Date:** 09/01/2016

Date Compliance History Report Prepared: March 08, 2017

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 08, 2012 to March 08, 2017

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

Name: Larry Butler

Phone: (512) 239-2543

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:

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 19, 2012	(1004646)	Item 13	March 12, 2013	(1090535)
Item 2	April 21, 2012	(1011224)	Item 14	April 15, 2013	(1096886)
Item 3	May 15, 2012	(1017581)	Item 15	May 10, 2013	(1107850)
Item 4	June 19, 2012	(1025377)	Item 16	June 19, 2013	(1111482)
Item 5	July 20, 2012	(1032717)	Item 17	July 12, 2013	(1118384)
Item 6	August 28, 2012	(1039143)	Item 18	August 26, 2013	(1126174)
Item 7	September 17, 2012	(1048098)	Item 19	September 20, 2013	(1130728)
Item 8	October 18, 2012	(1066844)	Item 20	November 19, 2013	(1141876)
Item 9	November 15, 2012	(1066845)	Item 21	December 23, 2013	(1148341)
Item 10	December 17, 2012	(1066846)	Item 22	January 16, 2014	(1154411)
Item 11	January 18, 2013	(1081497)	Item 23	February 15, 2014	(1161737)
Item 12	February 19, 2013	(1081496)	Item 24	March 19, 2014	(1168361)

Item 25	April 14, 2014	(1175525)	Item 35	April 22, 2015	(1256691)
Item 26	May 15, 2014	(1181719)	Item 36	September 24, 2015	(1284286)
Item 27	July 25, 2014	(1194289)	Item 37	October 22, 2015	(1297616)
Item 28	September 25, 2014	(1206978)	Item 38	November 17, 2015	(1303057)
Item 29	September 30, 2014	(1200376)	Item 39	December 17, 2015	(1310044)
Item 30	October 21, 2014	(1213388)	Item 40	January 13, 2016	(1316811)
Item 31	December 02, 2014	(1219643)	Item 41	April 19, 2016	(1340062)
Item 32	December 22, 2014	(1225430)	Item 42	August 05, 2016	(1360275)
Item 33	February 23, 2015	(1243443)	Item 43	October 19, 2016	(1379592)
Item 34	March 24, 2015	(1249809)	Item 44	January 20, 2017	(1398291)

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: 04/30/2016 (1346880)
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: 06/30/2016 (1360276)
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: 07/15/2016 (1337926)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.126(a)
TPDES Permit WQ0012303-001 PERMIT
Description: Failed to obtain authorization to commence construction of the necessary additional treatment and/or collection facilities when the daily average or annual average flow reaches 90% of the permitted average daily flow for three consecutive months.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Description: Failed to maintain the required number of operational blowers.

- 4 Date: 07/31/2016 (1366718)
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.

- 5 Date: 08/31/2016 (1373416)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter.

- 6 Date: 10/31/2016 (1385539)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter.

- 7 Date: 11/30/2016 (1391669)
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
AQUA TEXAS, INC.
RN102343175 AND
RN102340841

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2017-0247-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. (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 wastewater treatment facilities at the following locations (the "Facilities"):
 - a. Approximately 4,000 feet southeast of the intersection of Farm-to-Market Road 2457 and Farm-to-Market Road 3126 in Polk County, Texas ("Facility No. 1"); and
 - b. At 5818 Paloma Drive, Spring in Harris County, Texas ("Facility No. 2").

The Facilities are 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 \$28,300 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$22,640 of the penalty and \$5,660 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.

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 the Respondent implemented the following corrective measures at Facility No. 1:
 - a. By March 11, 2016, cleaned and disinfected the areas affected by the unauthorized discharges.
 - b. By November 15, 2016:
 - i. Properly removed and disposed of the sludge in the chlorine contact chamber ("CCC");
 - ii. Replaced the pump at Lift Station No. 2; and
 - iii. Replaced the floats at Lift Station No. 2.
 - c. By March 28, 2017:
 - i. Began recording the time the accuracy check was performed on the colorimeter; and
 - ii. Replaced the inoperable pump at Lift Station No. 3.
 - d. By March 30, 2017, repaired the fence gap at Lift Station No. 4.

II. ALLEGATIONS

1. During an investigation conducted on November 8, 2016 at Facility No. 1, an investigator documented that the Respondent:
 - a. Failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013209001, Permit Conditions No. 2.g, as shown in the unauthorized discharge table below:

Unauthorized Discharge Table				
Start Date	End Date	Location	Gallons Discharged	Description
May 11, 2015	May 13, 2015	Manhole near Facility No. 1	1500	Inflow/Infiltration and inoperable pump
May 26, 2015	May 26, 2015	Lift Station No. 2	2000	Inflow/Infiltration and inoperable pump
December 21, 2015	December 21, 2015	Lift Station No. 2	500	Float failure
January 7, 2016	January 7, 2016	Manhole near Facility No. 1 and Lift Station No. 2	3000	Inflow/Infiltration
March 7, 2016	March 11, 2016	Manhole near Facility No. 1	4000	Inflow/Infiltration

- b. Failed to maintain complete monitoring records, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (11)(C)(i) and TPDES Permit No. WQ0013209001, Monitoring and Reporting Requirements No. 3.c.i. Specifically, the colorimeter accuracy check log was missing the times the checks were performed.
 - c. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0013209001, Operational Requirements No. 1. Specifically, the smaller two-horsepower pump was out of service at Lift Station No. 3; there were gaps at the bottom of the perimeter fence at Lift Station No. 4; and the audio/visual alarm at the Influent Lift Station was inoperable.
 - d. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained and failed to prevent the discharge of floating solids or visible foam other than trace amounts and the discharge of visible oil, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0013209001, Operational Requirements No. 1 and Effluent Limitations and Monitoring Requirements No. 4. Specifically, solids carryover from the clarifier to the CCC caused the accumulation of approximately 0.75 foot of

sludge within the CCC and the discharge of grease, sludge, and foam into the receiving stream.

- e. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0013209001, Operational Requirements No. 1. Specifically, grease was present in the clarifier; flow was underneath the weirs near the catwalk entrance to the clarifier; flow was uneven in the effluent weir trough of the clarifier; the staff gauge and flow meter sensor were not level; and severe corrosion was noted on multiple support structures throughout Facility No. 1.
2. During a record review conducted on January 31, 2017 for Facility No. 2, an investigator documented that the Respondent failed to comply with permitted effluent limitations at Facility No. 2, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0012303001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, as shown in the effluent violation table below:

Effluent Parameter Violation Table					
Month/Year	Chlorine Residual	Flow	Ammonia Nitrogen		
	Monthly Minimum	Daily Average	Daily Average Concentration	Single Grab Concentration	Daily Average Loading
Month/Year	Limit = 1.0 mg/L	Limit = 0.015 MGD	Limit = 3 mg/L	Limit = 15 mg/L	Limit = 0.38 lbs/day
January 2016	0.8	c	c	c	c
February 2016	0.8	0.0163	c	c	c
April 2016	c	c	4.02	15.76	c
June 2016	c	0.017	c	c	c
July 2016	c	c	6.84	c	1.276
August 2016	c	c	c	c	0.416
October 2016	c	c	6.43	c	0.467

c = compliant
 mg/L = milligrams per liter
 MGD = million gallons per day
 lbs/day = pounds per day

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 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: Aqua Texas, Inc., Docket No. 2017-0247-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 undertake the following technical requirements at Facility No. 1:
 - a. Within 30 days after the effective date of this Order:
 - i. Properly level the staff gauge and the flow sensor;
 - ii. Repair or replace the audio/visual alarm at the Influent Lift Station;
 - iii. Properly remove and dispose of the grease in the clarifier; and
 - iv. Properly remove and dispose of the grease, sludge, and foam within the receiving stream that was discharged from Outfall No. 001.
 - b. Within 45 days after the effective date of this Order, submit written certification of compliance with Ordering Provision No. 2.a, in accordance with Ordering Provision No. 2.e below.
 - c. Within 60 days after the effective date of this Order:
 - i. Conduct an engineering evaluation of Facility No. 1 and the associated collection system to determine the cause of and necessary corrective actions designed to minimize or prevent the unauthorized discharges from the collection system and the discharges of floating solids or visible foam other than trace amounts and the discharge of visible oil from Outfall No. 001. The evaluation shall be prepared by a Texas registered professional engineer and shall include a plan and schedule for the completion of necessary corrective actions within 270 days after the effective date of this Order;
 - ii. Repair or replace corroded support structures;
 - iii. Make any necessary repairs to level the clarifier or weirs to ensure the weirs have an even distribution of flow across them; and
 - iv. Repair the leaking weirs.

- d. Within 75 days after the effective date of this Order, submit written certification of compliance with Ordering Provision No. 2.c, in accordance with Ordering Provision No. 2.e below.
- e. Within 285 days after the effective date of this Order, submit written certification of completion of the corrective actions designed to prevent the unauthorized discharges from the collection system and the unauthorized discharges of floating solids or visible foam other than trace amounts and the discharge of visible oil from the CCC, as prescribed by the engineering evaluation required by Ordering Provision No. 2.c.i. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1830

3. Within 90 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0012303001, including specific corrective actions that were implemented at Facility No. 2 to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. All relief not expressly granted in this Order is denied.
5. 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 Facilities operations referenced in this Order.
6. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. 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. Extension requests shall be sent to the Order Compliance Team at the address listed above.
8. 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.

9. 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.
10. 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

Pamela Marie J.

For the Executive Director

6/25/18

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 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
CA

Robert Laughman

Signature

6/20/18

Date

ROBERT LAUGHMAN

Name (Printed or typed)
Authorized Representative of
Aqua Texas, Inc.

PRESIDENT

Title

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.