

**Thirsty Parrot, LLC**  
**RN105232177**  
**Docket No. 2019-0200-PWS-E**

**Order Type:**  
Default Order

**Media:**  
PWS

**Small Business:**  
Yes

**Location(s) Where Violation(s) Occurred:**  
13200 Farm-to-Market Road 359, near Monaville, Waller County

**Type of Operation:**  
public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

**Texas Register Publication Date:** January 7, 2022

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$820

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$820

**Compliance History Classifications:**

Person/CN - N/A
Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** April 2014

**Thirsty Parrot, LLC**  
**RN105232177**  
**Docket No. 2019-0200-PWS-E**

**Investigation Information**

**Complaint Date(s):** N/A  
**Date(s) of Investigation:** November 29, 2018  
**Date(s) of NOV(s):** N/A  
**Date(s) of NOE(s):** January 28, 2019

**Violation Information**

1. Failed to provide a suitable sampling cock on the discharge pipe of the Facility's well pump prior to treatment [30 TEX. ADMIN. CODE § 290.41(c)(3)(M)].
2. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].
3. Failed to provide a flow-measuring device for the well to measure production yields and provide for the accumulation of water production data [30 TEX. ADMIN. CODE § 290.41(c)(3)(N)].
4. Failed to submit plans and specifications to the Executive Director for review and approval prior to the construction of a new public water supply [TEX. HEALTH & SAFETY CODE § 341.035(a), 30 TEX. ADMIN. CODE § 290.39(e)(1) and (h)(1), and TCEQ Agreed Order Docket No. 2013-0215-PWS-E, Ordering Provision No. 2.b.ii.].
5. Failed to submit well completion data for review and approval prior to placing the Facility's public drinking water well into service [30 TEX. ADMIN. CODE § 290.41(c)(3)(A) and TCEQ Agreed Order Docket No. 2013-0215-PWS-E, Ordering Provision No. 2.b.i.].
6. Failed to retain Disinfectant Level Quarterly Operating Reports ("DLQORs") and provide a copy if requested by the Executive Director [30 TEX. ADMIN. CODE § 290.110(e)(4)(B)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

1. As of February 5, 2019, Respondent has implemented the following corrective measures at the Facility:
  - a. Provided a suitable sampling cock on the discharge pipe of the Facility's well pump prior to treatment; and
  - b. Provided a flow measuring device for the well to measure production yields and provide for the accumulation of water production data.

**Technical Requirements:**

1. Within 30 days, initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including repairing the cracks in the concrete sealing block and the depression in the concrete near the well head.
2. Within 45 days, submit written certification to demonstrate compliance with Technical Requirement No. 1.
3. Within 90 days after the effective date of this Order, retain the DLQORs.
4. Within 105 days after the effective date of this Order, submit written certification to demonstrate compliance with Technical Requirement No. 3.
5. Within 180 days:
  - a. Submit plans and specification of the public water supply for review;
  - b. Submit well completion data for review and approval for the Facility's well; and

**Thirsty Parrot, LLC**  
**RN105232177**  
**Docket No. 2019-0200-PWS-E**

- c. Respond completely and adequately, as determined by TCEQ, to all requests for information concerning plans and specifications and well completion data within 15 days after the date of such requests, or by any other deadline specified in writing.
6. Within 195 days, submit written certification to demonstrate compliance with Technical Requirement Nos. 5.a., 5.b, and 5.c.
7. Within 270 days:
  - a. Obtain approval of the plans and specifications for the public water supply; and
  - b. Obtain approval for the well completion data for the Facility's well.
8. Within 285 days, submit written certification to demonstrate compliance with Technical Requirement Nos. 7.a. and 7.b.

**Litigation Information**

**Date Petition(s) Filed:** October 29, 2019  
**Date Green Card(s) Signed:** October 31, 2019  
**Date Answer(s) Filed:** N/A

**Contact Information**

**TCEQ Attorneys:** John S. Mercurief II, Litigation Division, (512) 239-3400

Garrett Arthur, Public Interest Counsel, (512) 239-6363

**TCEQ Litigation Agenda Coordinator:** Katherine McKenzie, Litigation Division, (512) 239-2575

**TCEQ Enforcement Coordinator:** Ryan Byer, Enforcement, (512) 239-2571

**TCEQ Regional Contact:** Westin Massey, Houston Regional Office, (713) 767-3756

**Respondent Contact:** Daniel L. Easter, President, Thirsty Parrot, LLC, 13302 Farm-to-Market Road  
359, Hempstead, Texas 77445

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

<b>DATES</b>	<b>Assigned</b>	4-Feb-2019		
	<b>PCW</b>	5-Feb-2019	<b>Screening</b>	4-Feb-2019
			<b>EPA Due</b>	

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Thirsty Parrot, LLC		
<b>Reg. Ent. Ref. No.</b>	RN105232177		
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	39803	<b>No. of Violations</b>	6
<b>Docket No.</b>	2019-0200-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Ryan Byer
		<b>EC's Team</b>	Enforcement Team 8
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$660
---	-------------------	-------

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	20.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$132
---------------------------	------------------	--------------------------------	-------

Notes: Enhancement for one agreed order containing a denial of liability.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
--------------------	----	------------------	-------------------	-----

Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
--	-------------------	-----

<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
-------------------------	-------------------	-------------------	-----

Total EB Amounts: \$2,111  
 Estimated Cost of Compliance: #NAME?  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$792
-----------------------------	-----------------------	-------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
---	------	-------------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$792
-----------------------------	-------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$820
-----------------------------------	-------------------------------	-------

<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$0
-----------------	------	-----------	-------------------	-----

Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$820
------------------------	-------

**Screening Date** 4-Feb-2019

**Docket No.** 2019-0200-PWS-E

**PCW**

**Respondent** Thirsty Parrot, LLC

**Case ID No.** 39803

*Policy Revision 4 (April 2014)*

**Reg. Ent. Reference No.** RN105232177

*PCW Revision March 26, 2014*

**Media** Public Water Supply

**Enf. Coordinator** Ryan Byer

### 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	0	0%
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)** 20%

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

N/A

**Adjustment Percentage (Subtotal 3)** 0%

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

N/A

**Adjustment Percentage (Subtotal 7)** 0%

**>> Compliance History Summary**

**Compliance History Notes**

Enhancement for one agreed order containing a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 20%

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 20%

**Screening Date** 4-Feb-2019  
**Respondent** Thirsty Parrot, LLC  
**Case ID No.** 39803  
**Reg. Ent. Reference No.** RN105232177  
**Media** Public Water Supply  
**Enf. Coordinator** Ryan Byer

**Docket No.** 2019-0200-PWS-E

**PCW**

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

**Violation Number**

**Rule Cite(s)**

30 Tex. Admin. Code § 290.41(c)(3)(M)

**Violation Description**

Failed to provide a suitable sampling cock on the discharge pipe of the Facility's well pump prior to treatment.

**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="text" value="x"/>

**Percent**

**>> Programmatic Matrix**

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

**Percent**

**Matrix Notes**

Failure to provide a sampling cock on the well discharge line may allow undetected contaminated raw water that could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

**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="text" value="x"/>

**Violation Base Penalty**

One single event is recommended.

**Good Faith Efforts to Comply**

Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>

**Notes**

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** Thirsty Parrot, LLC  
**Case ID No.** 39803  
**Reg. Ent. Reference No.** RN105232177  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$50	29-Nov-2018	5-Feb-2019	0.19	\$0	\$1	\$1
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**  
 The delayed cost includes the estimated amount to provide a suitable sampling cock on the discharge pipe of the Facility's well prior to treatment, calculated from the date of the investigation to the date of compliance.

### Avoided Costs

#### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**  
 (Empty box for notes)

Approx. Cost of Compliance \$50

**TOTAL** \$1

**Screening Date** 4-Feb-2019  
**Respondent** Thirsty Parrot, LLC  
**Case ID No.** 39803  
**Reg. Ent. Reference No.** RN105232177  
**Media** Public Water Supply  
**Enf. Coordinator** Ryan Byer

**Docket No.** 2019-0200-PWS-E

**PCW**

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

**Violation Number** 2

**Rule Cite(s)**

30 Tex. Admin. Code § 290.46(m)

**Violation Description**

Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, there were cracks in the concrete sealing block and a depression in the concrete near the well head.

**Base Penalty** \$1,000

**>> Environmental, Property and Human Health Matrix**

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

**Percent** 3.0%

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor

**Percent** 0.0%

Matrix Notes

Failure to maintain the good working condition and general appearance of the Facility could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

**Adjustment** \$970

\$30

**Violation Events**

Number of Violation Events 1

67 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$30

One single event is recommended.

**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** \$30

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$3

**Violation Final Penalty Total** \$36

**This violation Final Assessed Penalty (adjusted for limits)** \$50



## Economic Benefit Worksheet

**Respondent** Thirsty Parrot, LLC  
**Case ID No.** 39803  
**Reg. Ent. Reference No.** RN105232177  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$50	29-Nov-2018	17-Sep-2019	0.80	\$0	\$3	\$3
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**  
 The delayed cost includes the estimated amount to repair the cracks in the concrete slab and the depression in the cement near the well head, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

#### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**  
 (Empty box for notes)

Approx. Cost of Compliance \$50

**TOTAL** \$3

**Screening Date** 4-Feb-2019  
**Respondent** Thirsty Parrot, LLC  
**Case ID No.** 39803  
**Reg. Ent. Reference No.** RN105232177  
**Media** Public Water Supply  
**Enf. Coordinator** Ryan Byer

**Docket No.** 2019-0200-PWS-E

**PCW**

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

**Violation Number** 3

**Rule Cite(s)**

30 Tex. Admin. Code § 290.41(c)(3)(N)

**Violation Description**

Failed to provide a flow measuring device for well to measure production yields and provide for the accumulation of water production data. Specifically, the well meter was installed after the pressure tank instead of directly following the well.

**Base Penalty** \$1,000

**>> Environmental, Property and Human Health Matrix**

**OR**

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

**Percent** 15.0%

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor

**Percent** 0.0%

**Matrix Notes**

Failure to provide a flow measuring device for the well could result in inaccurate water production data which would affect treatment practices, thereby exposing persons served by the Facility to contaminants which would exceed levels protective of human health.

**Adjustment** \$850

\$150

**Violation Events**

Number of Violation Events 3

67 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$450

Three monthly events are recommended, calculated from the date of the investigation, November 29, 2018, to the date of screening, February 4, 2019.

**Good Faith Efforts to Comply**

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	

**Notes**

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

**Violation Subtotal** \$450

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$4

**Violation Final Penalty Total** \$540

**This violation Final Assessed Penalty (adjusted for limits)** \$540

# Economic Benefit Worksheet

**Respondent** Thirsty Parrot, LLC  
**Case ID No.** 39803  
**Reg. Ent. Reference No.** RN105232177  
**Media** Public Water Supply  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment	\$300	29-Nov-2018	5-Feb-2019	0.19	\$0	\$4	\$4
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**  
 The delayed cost includes the estimated amount to provide the Facility's well with a flow measuring device to measure production yields and provide for the accumulation of water production data, calculated from the date of the investigation to the date of compliance.

### Avoided Costs

**ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**  
 (Empty box for notes)

<b>Approx. Cost of Compliance</b>	\$300	<b>TOTAL</b>	\$4
-----------------------------------	-------	--------------	-----

**Screening Date** 4-Feb-2019  
**Respondent** Thirsty Parrot, LLC  
**Case ID No.** 39803  
**Reg. Ent. Reference No.** RN105232177

**Docket No.** 2019-0200-PWS-E

**PCW**

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

**Media** Public Water Supply  
**Enf. Coordinator** Ryan Byer

**Violation Number** 4

**Rule Cite(s)** 30 Tex. Admin. Code § 290.39(e)(1) and (h)(1) and Tex. Health & Safety Code § 341.035(a) and TCEQ Agreed Order Docket No. 2013-0215-PWS-E, Ordering Provision No. 2.b.ii

**Violation Description** Failed to submit plans and specifications to the Executive Director for review and approval prior to the construction of a new public water supply. Specifically, the Respondent was operating a business which meets the definition of transient non-community water supply without first obtaining approval.

**Base Penalty** \$1,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
		x			5.0%

Matrix Notes

100% of the rule requirements were not met.

**Adjustment** \$950

\$50

**Violation Events**

Number of Violation Events 1 1894 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$50

One single event is recommended.

**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** \$50

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$1,616

**Violation Final Penalty Total** \$60

**This violation Final Assessed Penalty (adjusted for limits)** \$60

# Economic Benefit Worksheet

**Respondent** Thirsty Parrot, LLC  
**Case ID No.** 39803  
**Reg. Ent. Reference No.** RN105232177  
**Media** Public Water Supply  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	28-Nov-2013	14-May-2020	6.46	\$1,616	n/a	\$1,616

**Notes for DELAYED costs**  
 The delayed cost includes the estimated amount to develop and submit as-built plans and specifications for review and approval, calculated from the effective date of the TCEQ Agreed Order Docket No. 2013-0215-PWS-E to the estimated date of compliance.

### Avoided Costs

#### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**  
 (Empty box for notes)

**Approx. Cost of Compliance** \$5,000

**TOTAL** \$1,616

**Screening Date** 4-Feb-2019  
**Respondent** Thirsty Parrot, LLC  
**Case ID No.** 39803  
**Reg. Ent. Reference No.** RN105232177  
**Media** Public Water Supply  
**Enf. Coordinator** Ryan Byer

**Docket No.** 2019-0200-PWS-E

**PCW**

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

**Violation Number** 5

**Rule Cite(s)** 30 Tex. Admin. Code § 290.41(c)(3)(A) and TCEQ Agreed Order Docket No. 2013-0215-PWS-E, Ordering Provision No. 2.b.i

**Violation Description**

Failed to submit well completion data for review and approval prior to placing the Facility's public drinking water well into service.

**Base Penalty** \$1,000

**>> Environmental, Property and Human Health Matrix**

**OR**

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

**Percent** 0.0%

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor
	x		

**Percent** 5.0%

**Matrix Notes**

100% of the rule requirements were not met.

**Adjustment** \$950

\$50

**Violation Events**

Number of Violation Events 1

1894 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$50

One single event is recommended.

**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** \$50

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$485

**Violation Final Penalty Total** \$60

**This violation Final Assessed Penalty (adjusted for limits)** \$60

## Economic Benefit Worksheet

**Respondent** Thirsty Parrot, LLC  
**Case ID No.** 39803  
**Reg. Ent. Reference No.** RN105232177  
**Media** Public Water Supply  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	28-Nov-2013	14-May-2020	6.46	\$485	n/a	\$485

**Notes for DELAYED costs**  
 The delayed cost includes the estimated amount to compile well completion data and submit it for approval for the Facility's well, calculated from the effective date of the TCEQ Agreed Order Docket No. 2013-0215-PWS-E to the estimated date of compliance.

### Avoided Costs

#### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**  
 (This area is currently blank)

**Approx. Cost of Compliance** \$1,500

**TOTAL** \$485

**Screening Date** 4-Feb-2019  
**Respondent** Thirsty Parrot, LLC  
**Case ID No.** 39803  
**Reg. Ent. Reference No.** RN105232177  
**Media** Public Water Supply  
**Enf. Coordinator** Ryan Byer

**Docket No.** 2019-0200-PWS-E

**PCW**

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

**Violation Number** 6

**Rule Cite(s)**

30 Tex. Admin. Code § 290.110(e)(4)(B)

**Violation Description**

Failed to retain Disinfectant Level Quarterly Operating Reports ("DLQORs") and provide a copy if requested by the Executive Director.

**Base Penalty** \$1,000

**>> Environmental, Property and Human Health Matrix**

**OR**

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

**Percent** 0.0%

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor
	x		

**Percent** 5.0%

Matrix Notes

100% of the rule requirements were not met.

**Adjustment** \$950

\$50

**Violation Events**

Number of Violation Events 1

67 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$50

One single event is recommended.

**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** \$50

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$2

**Violation Final Penalty Total** \$60

**This violation Final Assessed Penalty (adjusted for limits)** \$60



# Economic Benefit Worksheet

**Respondent** Thirsty Parrot, LLC  
**Case ID No.** 39803  
**Reg. Ent. Reference No.** RN105232177  
**Media** Public Water Supply  
**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	29-Nov-2018	16-Nov-2019	0.96	\$2	n/a	\$2
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

The delayed cost includes the estimated amount to retain the DLQORs, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

#### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$45

**TOTAL** \$2



# Compliance History Report

Compliance History Report for CN603666108, RN105232177, Rating Year 2018 which includes Compliance History (CH) components from September 1, 2013, through August 31, 2018.

<b>Customer, Respondent, or Owner/Operator:</b>	CN603666108, Thirsty Parrot, LLC	<b>Classification:</b>	NOT APPLICABLE	<b>Rating:</b>	N/A
<b>Regulated Entity:</b>	RN105232177, THE THIRSTY PARROT BAR & GRILL	<b>Classification:</b>	NOT APPLICABLE	<b>Rating:</b>	N/A
<b>Complexity Points:</b>	N/A	<b>Repeat Violator:</b>	N/A		
<b>CH Group:</b>	14 - Other				
<b>Location:</b>	13200 FARM-TO-MARKET ROAD 359 IN MONAVILLE, WALLER COUNTY, TEXAS				
<b>TCEQ Region:</b>	REGION 12 - HOUSTON				
<b>ID Number(s):</b>	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2370092				

<b>Compliance History Period:</b>	September 01, 2013 to August 31, 2018	<b>Rating Year:</b>	2018	<b>Rating Date:</b>	09/01/2018
<b>Date Compliance History Report Prepared:</b>	April 08, 2019				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	April 08, 2014 to April 08, 2019				

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

**Name:** Ryan Byer **Phone:** (512) 239-2571

## 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: 05/21/2015 ADMINORDER 2014-1194-PWS-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)  
30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: NO3 MR YR2013 - The system failed to monitor and/or report nitrate levels to the TCEQ for the annual monitoring period from 01/01/2013 to 12/31/2013 within the required timeline.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: JUNE/2012 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 06/2012.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)  
30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: NO3 MR YR2012 - The system failed to monitor and/or report nitrate levels to the TCEQ for the annual monitoring period from 01/01/2012 to 12/31/2012 within the required timeline.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: MTL MR PN 3Y2012 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a metal monitoring and reporting violation for the triennial monitoring period

from 01/01/2010 to 12/31/2012. (Violation changed to SEC MR PN 3Y2012)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.118(e)

Description: SEC MR 3Y2012 - The system failed to monitor and/or report secondary levels to the TCEQ for the triennial monitoring period from 01/01/2010 to 12/31/2012 within the required timeline.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

N/A

**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.

N/A

**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

**Component Appendices**

**Appendix A**

**All NOVs Issued During Component Period 4/8/2014 and 4/8/2019**

- 1 Date: 11/12/2012 (1186115)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: JUNE/2012 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 06/2012.
- 2 Date: 07/22/2014 (1186115)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)  
30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: NO3 MR YR2013 - The system failed to monitor and/or report nitrate levels to the TCEQ for the annual monitoring period from 01/01/2013 to 12/31/2013 within the required timeline.

\* NOVs applicable for the Compliance History rating period 9/1/2013 to 8/31/2018

**Appendix B**

**All Investigations Conducted During Component Period April 08, 2014 and April 08, 2019**

- Item 1 August 04, 2014\*\* (1186115)  
Item 2 August 08, 2014\*\* (1186247)  
Item 3 June 24, 2015\*\* (1255124)  
Item 4 January 28, 2019 (1530815)

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2013 and 08/31/2018.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
THIRSTY PARROT, LLC;  
RN105232177

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## DEFAULT ORDER

DOCKET NO. 2019-0200-PWS-E

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition, filed pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Thirsty Parrot, LLC ("Respondent").

The Commission makes the following Findings of Fact and Conclusions of Law:

### FINDINGS OF FACT

1. Respondent owns and operates a public water system located at 13200 Farm-to-Market Road 359 near Monaville, Waller County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately one service connection, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(71).
2. During an investigation conducted on November 29, 2018, an investigator documented that Respondent:
  - a. Failed to provide a suitable sampling cock on the discharge pipe of the Facility's well pump prior to treatment.
  - b. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, there were cracks in the concrete sealing block and a depression in the concrete near the well head.
  - c. Failed to provide a flow-measuring device for the well to measure production yields and provide for the accumulation of water production data. Specifically, the well meter was installed after the pressure tank, instead of directly following the well.
  - d. Failed to submit plans and specifications to the Executive Director for review and approval prior to the construction of a new public water supply. Specifically, Respondent was operating a business that meets the definition of a transient, non-community water supply without first obtaining approval.
  - e. Failed to submit well completion data for review and approval prior to placing the Facility's public drinking water well into service; and
  - f. Failed to retain Disinfectant Level Quarterly Operating Reports ("DLQORs") and provide a copy if requested by the Executive Director.
3. The Executive Director recognizes that as of February 5, 2019, Respondent has implemented the following corrective measures at the Facility:
  - a. Provided a suitable sampling cock on the discharge pipe of the Facility's well pump

- prior to treatment (Conclusion of Law No. 2).
- b. Provided a flow measuring device for the well to measure production yields and provide for the accumulation of water production data (Conclusion of Law No. 4).
  4. The Executive Director filed the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Thirsty Parrot, LLC” (the “EDPRP”) in the TCEQ Chief Clerk’s office on October 29, 2019.
  5. By letter dated October 29, 2019, sent to Respondent’s last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt “green card,” Respondent received notice of the EDPRP on October 31, 2019, as evidenced by the signature on the card.
  6. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

#### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to provide a suitable sampling cock on the discharge pipe of the Facility’s well pump prior to treatment, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(M).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system’s facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to provide a flow-measuring device for the well to measure production yields and provide for the accumulation of water production data, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(N).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to submit plans and specifications to the Executive Director for review and approval prior to the construction of a new public water supply, in violation of TEX. HEALTH & SAFETY CODE § 341.035(a), 30 TEX. ADMIN. CODE § 290.39(e)(1) and (h)(1), and TCEQ Agreed Order Docket No. 2013-0215-PWS-E, Ordering Provision No. 2.b.ii.
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to submit well completion data for review and approval prior to placing the Facility’s public drinking water well into service, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(A) and TCEQ Agreed Order Docket No. 2013-0215-PWS-E, Ordering Provision No. 2.b.i.; and
7. As evidenced by Finding of Fact No. 2.f., Respondent failed to retain Disinfectant Level Quarterly Operating Reports (“DLQORs”) and provide a copy if requested by the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(B).
8. As evidenced by Findings of Fact Nos. 3 and 4, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(b)(1).
9. As evidenced by Finding of Fact No. 5, Respondent failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.

10. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
11. An administrative penalty in the amount of eight hundred twenty dollars (\$820.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b).
12. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

#### ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Respondent is assessed an administrative penalty in the amount of eight hundred twenty dollars (\$820.00) for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here.
2. The penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to TCEQ and shall be sent with the notation "Re: Thirsty Parrot, LLC; Docket No. 2019-0200-PWS-E" to:

Financial Administration Division  
Revenue Operations Section  
Texas Commission on Environmental Quality  
Attention: Cashier's Office, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088
3. Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order, initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including repairing the cracks in the concrete sealing block and the depression in the concrete near the well head, in accordance with 30 TEX. ADMIN. CODE § 290.46;
  - b. Within 45 days after the effective date of this Order, submit written certification, in accordance with Corrective Action Ordering Provision No. 3.i., to demonstrate compliance with Ordering Provision No. 3.a;
  - c. Within 90 days after the effective date of this Order, retain the DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.110;
  - d. Within 105 days after the effective date of this Order, submit written certification, in accordance with Corrective Action Ordering Provision No. 3.i., to demonstrate compliance with Ordering Provision No. 3.c.
  - e. Within 180 days after the effective date of this Order:
    - i. Submit plans and specification of the public water supply for review and approval, in accordance with 30 TEX. ADMIN. CODE § 290.39. The plans and specifications shall be submitted to:

Plan Review Team

Water Supply Division, MC 159  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- ii. Submit well completion data for review and approval for the Facility's well, in accordance with 30 TEX. ADMIN. CODE § 290.41. The well completion data shall be submitted to the address listed in Corrective Action Ordering Provision No. 3.e.i.

Respond completely and adequately, as determined by TCEQ, to all requests for information concerning plans and specifications and well completion data within 15 days after the date of such requests, or by any other deadline specified in writing.

- f. Within 195 days after the effective date of this Order, submit written certification, in accordance with Corrective Action Ordering Provision No. 3.i., to demonstrate compliance with Ordering Provisions Nos. 3.e.i. and 3.e.ii.
- g. Within 270 days after the effective date of this Order:
  - i. Obtain approval of the plans and specifications for the public water supply, in accordance with 30 TEX. ADMIN. CODE § 290.39; and
  - ii. Obtain approval for the well completion data for the Facility's well, in accordance with 30 TEX. ADMIN. CODE § 290.41.
- h. Within 285 days after the effective date of this Order, submit written certification, in accordance with Corrective Action Ordering Provision No. 3.i., to demonstrate compliance with Ordering Provisions Nos. 3.g.i. and 3.g.ii
- i. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by 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 fine and imprisonment for knowing violations."

The written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

and:



Section Manager, Public Drinking Water  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until 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.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
8. 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.
9. 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.
10. The Chief Clerk shall provide a copy of this fully executed Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

\_\_\_\_\_  
Date

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## UNSWORN DECLARATION OF JOHN S. MERCULIEF II

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Thirsty Parrot, LLC" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on October 29, 2019.

The EDPRP was mailed to Respondent's last known address on October 29, 2019, via certified mail, return receipt requested, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on October 31, 2019, as evidenced by the signature on the card.

More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

"My name is John S. Mercurief II, and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct."

Executed in Travis County,  
State of Texas,  
on the 15th day of December, 2021

A handwritten signature in cursive script that reads "John S. Mercurief II".

---

Declarant