#### **Order Type:**

Default Order (SOAH preliminary hearing)

#### Media: MWD

Small Business:

Yes

### Location(s) Where Violation(s) Occurred:

approximately 1,700 feet due east of a point on State Highway 300 that is approximately 2,900 feet north of the intersection of Gregg Tex Road and State Highway 300 and 3,500 feet south of the intersection of State Highway 300 and Farm-to-Market Road 1844, Gregg County

#### **Type of Operation:**

wastewater treatment facility and disposal site

Other Significant Matters: Additional Pending Enforcement A Past-Due Penalties: Past-Due Fees: Other: Interested Third-Parties:	Actions: None \$2,832.68 \$10,581.21 None None
<b>Texas Register Publication Date:</b>	February 24, 2023
Comments Received:	None
	Penalty Information
Total Penalty Assessed:	\$136,500
Total Paid to General Revenue:	\$0
Total Due to General Revenue:	\$136,500
<b>Compliance History Classifications</b> Person/CN – Satisfactory Site/RN – Satisfactory	
Major Source:	No
Statutory Limit Adjustment:	None
Applicable Penalty Policy:	April 2014
	Investigation Information
<b>Complaint Date(s):</b> Complaint Information:	August 5, 2019 Alleged sewage was discharging from a pipe behind (east of) the mobile home park.
Date(s) of Investigation:	August 9, 2019, through August 23, 2019; October 30, 2019; December 19, 2019, through December 20, 2019
Date(s) of NOV(s):	N/A
Date(s) of NOE(s):	October 22, 2019; January 10, 2020

#### EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 58531 HWY 300 LLC RN103065041 Docket No. 2019-1578-MWD-E

### Violation Information

- 1. Failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state [Tex. WATER CODE § 26.121(a)(1)].
- 2. Failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state [Tex. WATER CODE § 26.121(a)(1)].
- 3. Failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state [Tex. WATER CODE § 26.121(a)(1)].
- 4. Failed to maintain authorization to discharge wastewater into or adjacent to any water in the state [Tex. WATER CODE § 26.121(a)(1) and 30 Tex. ADMIN. CODE § 305.65].
- 5. Failed to pay Consolidated Water Quality fees and associated late fees for TCEQ Financial Administration Account No. 23005554 for Fiscal Years 2010 through 2016 [Tex. WATER CODE § 5.702 and 30 Tex. ADMIN. CODE § 21.4].

### **Corrective Actions/Technical Requirements**

#### **Corrective Action(s) Completed:**

None

### **Technical Requirements:**

- 1. Immediately:
  - a. Cease the unauthorized discharge of sewage from the rusted weld seam on the north wall of the Facility and from the aeration basin; and
  - b. Until such time that authorization to operate is obtained or until 90 days after the effective date, whichever is earlier, comply with the permit limits and conditions of expired TCEQ Permit No. WQ0014395001.

Respond completely and adequately to all requests for information concerning the permit application within 30 days after the date of such requests or by any other deadline specified in writing.

- 2. Within 15 days submit written certification to demonstrate compliance with Technical Requirement Nos. 1.a. and 1.b.
- 3. Within 30 days:
  - a. Remove and properly dispose of the sewage solids from the ground surrounding the cleanout located on the east side of the mobile home park, adjacent to Grace Creek, and disinfect the affected areas;
  - b. Remove and properly dispose of the sewage solids from the ground surrounding the rusted weld seam on the north wall of the Facility and the aeration basin, and disinfect the affected areas;
  - c. Remove and properly dispose of the sewage solids from the ground surrounding the uncapped pipe located in the woods at the far southeast corner of the property, and disinfect the affected areas; and
  - d. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 23005554.
- 4. Within 45 days submit written certification to demonstrate compliance with Technical Requirement Nos. 3.a. through 3.d.
- 5. Within 90 days submit written certification that authorization to operate has been obtained or that operation has ceased until such time that appropriate authorization is obtained.

#### EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 58531 HWY 300 LLC RN103065041 Docket No. 2019-1578-MWD-E

### Litigation Information

Date Petition(s) Filed:	April 6, 2021
Date(s) of Service:	April 9, 2021
Date Answer(s) Filed:	April 28, 2021
SOAH Referral Date:	August 31, 2022

**Hearing Date(s):** Preliminary hearing:

November 10, 2022 (defaulted)

### **Contact Information**

**TCEQ Attorneys:** Clayton Smith, Litigation Division, (512) 239-3400 Sheldon Wayne, Public Interest Counsel, (512) 239-6363

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

TCEQ Enforcement Coordinator: Katy Montgomery, Enforcement Division, (210) 403-4016

TCEQ Regional Contact: Ross Morgan, Tyler Regional Office, (903) 535-5100

**Respondent Contact:** Paul Hodge, HWY 300 LLC, 25026 Aughton, Spring, Texas 77389; James W. Hurley, Manager, HWY 300 LLC, 5734 State Highway 300, Lot 74, Longview, Texas 75604

Respondent's Attorney: N/A

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	Policy Revision 4 (Ap		nalty Cal	culatio	n Worksl	heet (PC	•	Revision March 26, 2014
TCEQ DATES	Assigned PCW	28-Oct-2019 6-Nov-2019	Screening 3	0-Oct-2019	EPA Due			
		TY INFORMATIC HWY 300 LLC RN103065041	N					
Facili	ty/Site Region	5-Tyler			Major/N	Minor Source	Minor	
	NFORMATION				_			
En	f./Case ID No.	58531 2019-1578-MWD	F		No.	of Violations Order Type		
Mec	lia Program(s)		L		Governmen	t/Non-Profit		
	Multi-Media				Enf.		Alejandro Laje	
Adr	nin. Penalty \$ L	.imit Minimum	\$0 <b>M</b> a	aximum	\$25,000	EC's Team	Enforcement T	
			-		tion Secti	on		
ΤΟΤΑ	L BASE PENA	LTY (Sum of	violation ba	ase penal	ties)		Subtotal 1	\$56,250
ADJU		/-) <b>ТО SUBTO</b>						
	Compliance His	story	the Total Base Pen	alty (Subtotal 1 20.0%		-	tals 2, 3, & 7	\$11,250
	Notes	Enhancement	for one agreed	d order conta	aining a denial o			
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
	Notes		pondent does r		e culpability crite	eria.		ŦŦ
	Good Faith Effe	ort to Comply To	tal Adjustme	nts			Subtotal 5	\$0
	_	<b>6</b> .						÷.
	Economic Bene Estimated	Total EB Amounts Cost of Compliance	\$633 \$12,275		Enhancement* ed at the Total EB \$	Amount	Subtotal 6	\$0
SUM (	OF SUBTOTA	LS 1-7				F	inal Subtotal	\$67,500
		Subtotal by the indica		E	0.0%		Adjustment	\$0
	Notes							
	l					Final Pen	alty Amount	\$67,500
STATI	UTORY LIMIT	ADJUSTMEN	г			Final Asse	ssed Penalty	\$67,500
DEFEI Reduces t		nalty by the indicated	nercentage		0.0%	Reduction	Adjustment	\$0
	Notes			mended for	Findings Orders	s.		
DANG		-						
ΡΑΥΑ	BLE PENALT	1						\$67,500

Screening Date 30-Oct-2019 Respondent HWY 300 LLC Case ID No. 58531 Reg. Ent. Reference No. RN103065041 Media Water Quality Enf. Coordinator Alejandro Laje

### **Compliance History Worksheet**

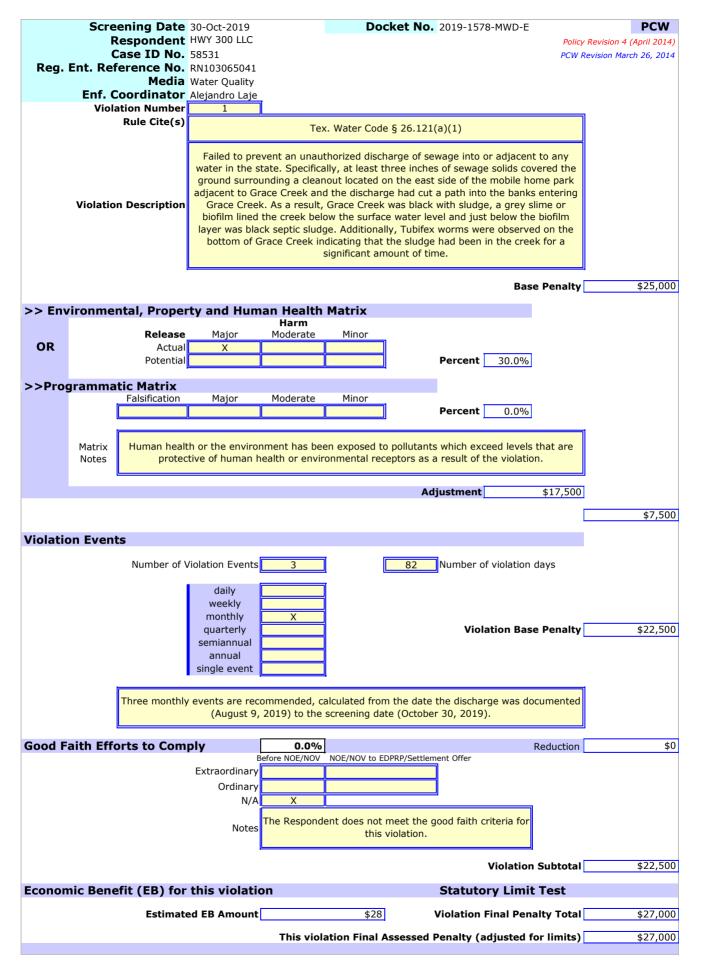
Docket No. 2019-1578-MWD-E

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%
	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
Orders	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	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%
and Consent Decrees	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 (number of events)	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 (number of audits for which notices were submitted)	0	0%
Addits	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%
	Environmental management systems in place for one year or more	No	0%
Other	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%

>> Repeat Violator (Subtotal 3) No Adjustment Percentage (Subtotal 3) 0% >> Compliance History Person Classification (Subtotal 7) Adjustment Percentage (Subtotal 7) 0% Satisfactory Performer >> Compliance History Summary Compliance History Enhancement for one agreed order containing a denial of liability. Notes Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 20% >> Final Compliance History Adjustment Final Adjustment Percentage \*capped at 100% 20%

PCW

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



Case ID No	58531						
eg. Ent. Reference No	RN103065041						
	Water Quality					Percent Interest	Years of Depreciation
						5.0	1
	Item Cost	<b>Date Required</b>	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description	ı						
-							
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	\$500	9-Aug-2019	22-Sep-2020	1.12	\$28	n/a	\$28
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	9-Aug-2019	9-Aug-2019	0.00	\$0	n/a	\$0
	<mark>surrounding th</mark>	e cleanout locate	d on the east sid	de of th	e mobile home pa	the sewage solids fr rk, adjacent to Grac he final date is the o	ce Creek and
Notes for DELAYED costs	surrounding th disinfect the af of compliance. Estimated cost the mobile hom	e cleanout locate fected areas. Dat to cease the una ne park, adjacent	d on the east sid e required is the uthorized discha	de of th e invest arge of	e mobile home pa tigation date and t sewage from the	rk, adjacent to Grad	the east side o
	surrounding th disinfect the af of compliance. Estimated cost the mobile hon date is the dat	e cleanout locate fected areas. Dat to cease the una ne park, adjacent e of compliance.	d on the east sid e required is the uthorized discha to Grace Creek	de of th e invest arge of Date	e mobile home pa tigation date and t sewage from the Required is the ini	rk, adjacent to Grac he final date is the o cleanout located on tial investigation dat	ce Creek and estimated date the east side o te and the final
Avoided Costs	surrounding th disinfect the af of compliance. Estimated cost the mobile hon date is the dat	e cleanout locate fected areas. Dat to cease the una ne park, adjacent e of compliance.	d on the east sid e required is the uthorized discha to Grace Creek	de of the invest arge of Date	e mobile home pa tigation date and t sewage from the Required is the ini item (except fo	rk, adjacent to Grac he final date is the cleanout located on tial investigation dat <b>none-time avoide</b>	ce Creek and estimated date the east side o te and the final d costs)
Avoided Costs	surrounding th disinfect the af of compliance. Estimated cost the mobile hon date is the dat	e cleanout locate fected areas. Dat to cease the una ne park, adjacent e of compliance.	d on the east sid e required is the uthorized discha to Grace Creek	de of the invest arge of . Date tering 0.00	e mobile home pa tigation date and t sewage from the Required is the ini <b>item (except fo</b> \$0	rk, adjacent to Grac he final date is the o cleanout located on tial investigation dat r one-time avoide \$0	the east side of the east side of the east side of the east side of the final discrete control o
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Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment	surrounding th disinfect the af of compliance. Estimated cost the mobile hon date is the dat	e cleanout locate fected areas. Dat to cease the una ne park, adjacent e of compliance.	d on the east sid e required is the uthorized discha to Grace Creek	de of th e invest arge of . Date 0.00 0.00 0.00 0.00	sewage from the Required is the ini item (except for \$0 \$0 \$0 \$0 \$0	rk, adjacent to Grac he final date is the o cleanout located on tial investigation dat r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0	the east side of the east side of the east side of the final side
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Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	surrounding th disinfect the af of compliance. Estimated cost the mobile hon date is the dat	e cleanout locate fected areas. Dat to cease the una ne park, adjacent e of compliance.	d on the east sid e required is the uthorized discha to Grace Creek	de of th e invest arge of . Date tering 0.00 0.00 0.00 0.00 0.00 0.00 0.00	e mobile home pa tigation date and t sewage from the Required is the ini item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	rk, adjacent to Grac he final date is the o cleanout located on tial investigation dat r one-time avoideo \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	the east side of the east side of the east side of the east side of the final of th
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Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	surrounding th disinfect the af of compliance. Estimated cost the mobile hon date is the dat	e cleanout locate fected areas. Dat to cease the una ne park, adjacent e of compliance.	d on the east sid e required is the uthorized discha to Grace Creek	de of th e invest arge of . Date tering 0.00 0.00 0.00 0.00 0.00 0.00 0.00	e mobile home pa tigation date and t sewage from the Required is the ini item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	rk, adjacent to Grac he final date is the o cleanout located on tial investigation dat r one-time avoideo \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	the east side o the east side o te and the final <b>d costs)</b> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	surrounding th disinfect the af of compliance. Estimated cost the mobile hon date is the dat	e cleanout locate fected areas. Dat to cease the una ne park, adjacent e of compliance.	d on the east sid e required is the uthorized discha to Grace Creek	de of th e invest arge of . Date tering 0.00 0.00 0.00 0.00 0.00 0.00 0.00	e mobile home pa tigation date and t sewage from the Required is the ini item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	rk, adjacent to Grac he final date is the o cleanout located on tial investigation dat r one-time avoideo \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	the east side o the east side o te and the final <b>d costs)</b> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

	Scre	ening Date	30-Oct-2019	Docket No. 2019-1578-MWD-E	PCW
		lespondent			Revision 4 (April 2014)
Rea		Case ID No. Terence No.		PCW R	evision March 26, 2014
negi			Water Quality		
			Alejandro Laje		
	Viola	ation Number Rule Cite(s)	2		
		Rule Cite(3)		Tex. Water Code § 26.121(a)(1)	
	Violatio	n Description	in the state. Sp the north wall	nt an unauthorized discharge of sewage into or adjacent to any water becifically, untreated sewage was leaking from a rusted weld seam on I of the Facility, flowing across the ground, adjacent to Grace Creek. ntreated sewage was overflowing the aeration basin and discharging onto the ground adjacent to Grace Creek.	
				Base Penalty	\$25,000
>> Env	vironme	ntal, Proper	tv and Hum	an Health Matrix	
				Harm	
OR		<b>Release</b> Actual	Major	Moderate Minor	
•n		Potential		Percent 15.0%	
		tic Motuix			
>>Pro	gramma	tic Matrix Falsification	Major	Moderate Minor	
				Percent 0.0%	
	Matrix Notes	Human health	or the environm	nent has been exposed to significant amounts of pollutants as a result of the violation.	
				Adjustment \$21,250	
				Aujustinent \$21,230	
					\$3,750
Violati	on Event	ts			
		Number of \	iolation Events	3 Number of violation days	
			daily weekly monthly quarterly semiannual annual single event	X Violation Base Penalty	\$11,250
		Three monthl	,	ommended, calculated from the date the discharge was documented 2019) to the screening date (October 30, 2019).	
Good F	aith Effo	orts to Com	ply	0.0% Reduction	\$0
			B Extraordinary Ordinary N/A Notes	efore NOE/NOV NOE/NOV to EDPRP/Settlement Offer	
			Ļ	Violation Subtotal	\$11,250
Econor	nic Bene	fit (EB) for	this violatio		
			ed EB Amount	\$577 Violation Final Penalty Total	\$13,500
				This violation Final Assessed Penalty (adjusted for limits)	\$13,500

		conomic	Benefit	WO	rksheet		
Respondent	HWY 300 LLC						
Case ID No.	58531						
Reg. Ent. Reference No.							
5	Water Quality						Years of
						Percent Interest	Depreciation
Violation No.	2						Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description	1						
Delayed Costs							
Equipment	- 	1		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0 \$0
Engineering/Construction				0.00	\$0 \$0	\$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	\$1,000	9-Aug-2019	22-Sep-2020	1.12	\$56	n/a	\$56
		-				,	
Permit Costs				0.00	\$0	n/a	\$0
Permit Costs Other (as needed)	surrounding th affected areas	nediation/Disposa ne rusted weld sea	am on the north	1.04 e and pr wall of	\$521 roperly dispose of the Facility and th	n/a n/a the sewage solids fr ie aeration basin, ar is the estimated dat	\$521 om the ground nd disinfect the
	Estimated Rem surrounding th affected areas. compliance. Estimated Othen north wall of w	nediation/Disposa le rusted weld sea . Date required is er cost to cease t vastewater treatm	I cost to remove am on the north the investigation he unauthorized nent facility and	1.04 e and provide a stand provide a standard from date a standard stand standard standard stan standard standard stan	\$521 roperly dispose of the Facility and th and the final date rge of sewage fror	n/a the sewage solids fr be aeration basin, ar is the estimated dat n the rusted weld se Date Required is the	\$521 om the ground nd disinfect the te of eam on the
Other (as needed) Notes for DELAYED costs	Estimated Rem surrounding th affected areas. compliance. Estimated Oth north wall of w investigation d	nediation/Disposa le rusted weld sea . Date required is er cost to cease t astewater treatm ate and the final	I cost to remove am on the north the investigation he unauthorized nent facility and date is the estin	1.04 e and provide a stand provide a standard n date d dischat from the mated d	\$521 roperly dispose of the Facility and th and the final date rge of sewage fror le aeration basin. I ate of compliance.	n/a the sewage solids fr a aeration basin, ar is the estimated dat n the rusted weld se Date Required is the	\$521 om the ground nd disinfect the te of eam on the e initial
Other (as needed)	Estimated Rem surrounding th affected areas. compliance. Estimated Oth north wall of w investigation d	nediation/Disposa le rusted weld sea . Date required is er cost to cease t astewater treatm ate and the final	I cost to remove am on the north the investigation he unauthorized nent facility and date is the estin	1.04 e and provide a stand provide a standard n date d dischat from the mated d	\$521 roperly dispose of the Facility and th and the final date rge of sewage fror le aeration basin. I ate of compliance.	n/a the sewage solids fr be aeration basin, ar is the estimated dat n the rusted weld se Date Required is the	\$521 om the ground nd disinfect the te of eam on the initial d costs)
Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated Rem surrounding th affected areas. compliance. Estimated Oth north wall of w investigation d	nediation/Disposa le rusted weld sea . Date required is er cost to cease t astewater treatm ate and the final	I cost to remove am on the north the investigation he unauthorized nent facility and date is the estin	1.04 e and provide a stand provide a standard mate d dischar from the standard d stering	\$521 roperly dispose of the Facility and th and the final date rge of sewage fror le aeration basin. I ate of compliance. item (except for	n/a the sewage solids fr is the estimated dat n the rusted weld se Date Required is the <b>one-time avoide</b>	\$521 om the ground nd disinfect the te of eam on the e initial
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated Rem surrounding th affected areas. compliance. Estimated Oth north wall of w investigation d	nediation/Disposa le rusted weld sea . Date required is er cost to cease t astewater treatm ate and the final	I cost to remove am on the north the investigation he unauthorized nent facility and date is the estin	1.04 e and provention of the second provention of the second provided the second provided the second provement of the second p	\$521 roperly dispose of the Facility and th and the final date rge of sewage from the aeration basin. I ate of compliance. item (except for \$0	n/a the sewage solids fr is the estimated dat is the rusted weld se Date Required is the <b>r one-time avoide</b> \$0	\$521 om the ground nd disinfect the te of eam on the initial d costs) \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated Rem surrounding th affected areas. compliance. Estimated Oth north wall of w investigation d	nediation/Disposa le rusted weld sea . Date required is er cost to cease t astewater treatm ate and the final	I cost to remove am on the north the investigation he unauthorized nent facility and date is the estin	1.04 e and provide	\$521 roperly dispose of the Facility and the and the final date rge of sewage from the aeration basin. I ate of compliance. item (except for \$0 \$0	n/a the sewage solids fr is the estimated dat is the rusted weld se Date Required is the r one-time avoider \$0 \$0	\$521 om the ground hd disinfect the te of eam on the e initial d costs) \$0 \$0
Other (as needed) Notes for DELAYED costs <b>Avoided Costs</b> Disposal Personnel Inspection/Reporting/Sampling	Estimated Rem surrounding th affected areas. compliance. Estimated Oth north wall of w investigation d	nediation/Disposa le rusted weld sea . Date required is er cost to cease t astewater treatm ate and the final	I cost to remove am on the north the investigation he unauthorized nent facility and date is the estin	1.04 e and print wall of on date d discha from the nated d ttering 0.00 0.00	\$521 roperly dispose of the Facility and the and the final date rge of sewage from a aeration basin. I ate of compliance. item (except for \$0 \$0 \$0	n/a the sewage solids fr is the estimated dat is the rusted weld se Date Required is the cone-time avoided \$0 \$0 \$0	\$521 om the ground disinfect the te of eam on the e initial d costs) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs <b>Avoided Costs</b> Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment	Estimated Rem surrounding th affected areas. compliance. Estimated Oth north wall of w investigation d	nediation/Disposa le rusted weld sea . Date required is er cost to cease t astewater treatm ate and the final	I cost to remove am on the north the investigation he unauthorized nent facility and date is the estin	1.04 e and print wall of on date d discha from the nated d ttering 0.00 0.00 0.00	\$521 roperly dispose of the Facility and th and the final date rge of sewage from the aeration basin. I ate of compliance. <b>item (except for</b> \$0 \$0 \$0 \$0 \$0	n/a the sewage solids fr is the estimated dat is the rusted weld se Date Required is the <b>cone-time avoide</b> \$0 \$0 \$0 \$0 \$0	\$521 om the ground disinfect the te of eam on the e initial d costs) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Disposal Personnel inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	Estimated Rem surrounding th affected areas. compliance. Estimated Oth north wall of w investigation d	nediation/Disposa le rusted weld sea . Date required is er cost to cease t astewater treatm ate and the final	I cost to remove am on the north the investigation he unauthorized nent facility and date is the estin	1.04 e and pr wall of on date d discha from th mated d 0.00 0.00 0.00 0.00 0.00	\$521 roperly dispose of the Facility and the and the final date rge of sewage from the aeration basin. I ate of compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a the sewage solids fr a earation basin, ar is the estimated dat the rusted weld se Date Required is the cone-time avoider \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$521 om the ground disinfect the te of eam on the initial d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	Estimated Rem surrounding th affected areas. compliance. Estimated Oth north wall of w investigation d	nediation/Disposa le rusted weld sea . Date required is er cost to cease t astewater treatm ate and the final	I cost to remove am on the north the investigation he unauthorized nent facility and date is the estin	1.04 e and provention of the second s	\$521 operly dispose of t the Facility and th and the final date rge of sewage from a aeration basin. I ate of compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a the sewage solids fr ie aeration basin, ar is the estimated dat the rusted weld se Date Required is the Date Required is the solution \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$521 om the ground disinfect the te of a initial d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

		ening Date		Doc	<b>ket No.</b> 2019-1578-MWD-E		PCW
		lespondent					Revision 4 (April 2014)
Rea.		ase ID No. erence No.				PCW R	evision March 26, 2014
			Water Quality				
			Alejandro Laje				
	Viola	ation Number Rule Cite(s)	3				
		Rule Cite(3)		Tex. Water Code §	§ 26.121(a)(1)		
	Violatio	n Description	in the state. Specific corner of the proper	ally, an uncapped pipe letter to a series of the series of	of sewage into or adjacent to ocated in the woods at the far eated sewage and maggots dir id, discharging into Grace Cree	southeast ectly from	
					Base	e Penalty	\$25,000
>> Env	vironme	ntal, Proper	ty and Human H	lealth Matrix			
		Release		l <b>arm</b> derate Minor			
OR		Actual	X				
		Potential			Percent 30.0%		
>>Pro	aramma	tic Matrix					
22F10	granna	Falsification	Major Mo	derate Minor			
					Percent 0.0%		
	Matrix				ollutants which exceed levels		
	Notes	prote	ctive of human health	or environmental recep	otors as a result of the violation	n.	
					A	+17 500	
					Adjustment	\$17,500	
						[	\$7,500
Violati	on Event	ts.					
Totaci					;		
		Number of \	/iolation Events	3	82 Number of violation	days	
			daily weekly monthly quarterly semiannual annual single event	X X	Violation Base	e Penalty	\$22,500
		Three monthl	•	ended, calculated from t 9) to the screening date	the date the discharge was doo (October 30, 2019).	cumented	
Good	aith Eff	orte to Corr	nlv	0.0%		Doduction	*0
300a P		orts to Com		0.0% NOE/NOV NOE/NOV to EDPR	RP/Settlement Offer	Reduction	\$0
			Extraordinary				
			Ordinary				
				X	eet the good faith criteria for		
			Notes	-	plation.		
					Violation	Subtotal	\$22,500
Econor	mic Bene	fit (EB) for	this violation		Statutory Limit	Test	
			ed EB Amount	\$28	Violation Final Pena		\$27,000
				,			
				This violation Final As	sessed Penalty (adjusted f	or limits)	\$27,000

	E	conomic	Dellell		rksneet		
Respondent							
Case ID No.							
Reg. Ent. Reference No.							
	Water Quality					Percent Interest	Years of
Violation No.	3					reitent interest	Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	EB Amount
Item Description	1						
Delayed Costs	; 	· · · · · · · · · · · · · · · · · · ·			±0	+0	+ 2
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0 ¢0	\$0	\$0 ¢0
Other (as needed)				0.00	\$0 \$0	\$0	\$0 ¢0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0 ¢0	n/a	\$0 \$0
Record Keeping System				0.00	\$0 \$0	n/a n/a	\$0 \$0
Training/Sampling Remediation/Disposal	\$500	9-Aug-2019	22-Sep-2020	1.12	\$28	n/a	\$28
	\$300	9-Aug-2019	22-3ep-2020				
					¢Λ		
Permit Costs Other (as needed)	surrounding th disinfect the af	nediation/Disposa e uncapped pipe	located in the w	oods at	t the far southeast	n/a n/a the sewage solids fr corner of the prope the final date is the e	erty and
Permit Costs	Estimated Rem surrounding th disinfect the af of compliance. Estimated Othe woods at the fa removing the p	rediation/Disposa e uncapped pipe fected areas. Dat er cost to cease t ar southeast corn	I cost to remove located in the w te required is th he unauthorized	0.00 e and proods at e invest d discha	\$0 operly dispose of t the far southeast tigation date and t rge of sewage from losing the valve from	n/a the sewage solids fr corner of the prope	\$0 om the ground erty and estimated date e located in the tank and
Permit Costs Other (as needed) Notes for DELAYED costs	Estimated Rem surrounding th disinfect the af of compliance. Estimated Othe woods at the fa removing the p compliance.	nediation/Disposa e uncapped pipe fected areas. Dat er cost to cease t ar southeast corn pipe. Date Requir	I cost to remove located in the w te required is th he unauthorized er of the proper ed is the initial i	0.00 e and pr roods at e invest l discha ty by c nvestig	\$0 roperly dispose of t the far southeast tigation date and t rge of sewage from losing the valve from ation date and the	n/a the sewage solids fr corner of the prope the final date is the o the uncapped pipe om the uncapped pipe om the final clarifier final date is the dat	\$0 om the ground erty and estimated date e located in the tank and te of
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated Rem surrounding th disinfect the af of compliance. Estimated Othe woods at the fa removing the p compliance.	nediation/Disposa e uncapped pipe fected areas. Dat er cost to cease t ar southeast corn pipe. Date Requir	I cost to remove located in the w te required is th he unauthorized er of the proper ed is the initial i	0.00 e and proods at e invest I discha ty by c nvestig	\$0 roperly dispose of t the far southeast tigation date and t rge of sewage from losing the valve from ation date and the <b>item (except fo</b>	n/a the sewage solids fr corner of the prope the final date is the o m the uncapped pipe om the final clarifier final date is the dat rone-time avoide	\$0 om the ground erty and estimated date e located in the tank and te of <b>d costs)</b>
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated Rem surrounding th disinfect the af of compliance. Estimated Othe woods at the fa removing the p compliance.	nediation/Disposa e uncapped pipe fected areas. Dat er cost to cease t ar southeast corn pipe. Date Requir	I cost to remove located in the w te required is th he unauthorized er of the proper ed is the initial i	0.00 e and proods at e invest I discha ty by c nvestig tering 0.00	\$0 operly dispose of t the far southeast tigation date and t rge of sewage from losing the valve from ation date and the <b>item (except fo</b> \$0	n/a the sewage solids fr corner of the prope the final date is the e m the uncapped pipe om the final clarifier final date is the dat r one-time avoide \$0	\$0 om the ground erty and estimated date e located in the tank and te of <b>d costs)</b> \$0
Permit Costs Other (as needed) Notes for DELAYED costs <b>Avoided Costs</b> Disposal Personnel	Estimated Rem surrounding th disinfect the af of compliance. Estimated Othe woods at the fa removing the p compliance.	nediation/Disposa e uncapped pipe fected areas. Dat er cost to cease t ar southeast corn pipe. Date Requir	I cost to remove located in the w te required is th he unauthorized er of the proper ed is the initial i	0.00 and proods at e invest I discha ty by c nvestig 0.00 0.00	\$0 roperly dispose of t the far southeast tigation date and t rge of sewage from losing the valve from ation date and the <b>item (except for</b> \$0 \$0	n/a the sewage solids fr corner of the prope the final date is the o m the uncapped pipe om the final clarifier final date is the dat r one-time avoide \$0 \$0	\$0 om the ground erty and estimated date tank and te of d costs) \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs <b>Avoided Costs</b> Disposal Personnel nspection/Reporting/Sampling	Estimated Rem surrounding th disinfect the af of compliance. Estimated Othe woods at the fa removing the p compliance.	nediation/Disposa e uncapped pipe fected areas. Dat er cost to cease t ar southeast corn pipe. Date Requir	I cost to remove located in the w te required is th he unauthorized er of the proper ed is the initial i	0.00 and production oods at e invest d discha ty by c nvestig 0.00 0.00 0.00	\$0 roperly dispose of t the far southeast tigation date and t rge of sewage from losing the valve from ation date and the <b>item (except for</b> \$0 \$0 \$0	n/a the sewage solids fr corner of the prope the final date is the of m the uncapped pipe om the final clarifier e final date is the dat r one-time avoide \$0 \$0 \$0	\$0 om the ground erty and estimated date e located in the tank and te of \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs <b>Avoided Costs</b> Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment	Estimated Rem surrounding th disinfect the af of compliance. Estimated Othe woods at the fa removing the p compliance.	nediation/Disposa e uncapped pipe fected areas. Dat er cost to cease t ar southeast corn pipe. Date Requir	I cost to remove located in the w te required is th he unauthorized er of the proper ed is the initial i	0.00 and production oods at e invest d dischart ty by c nvestig 0.00 0.00 0.00 0.00	\$0 roperly dispose of t the far southeast tigation date and t rge of sewage from losing the valve from ation date and the <b>item (except for</b> \$0 \$0 \$0 \$0	n/a the sewage solids fr corner of the prope the final date is the of the uncapped pipe om the final clarifier final date is the dat rone-time avoide \$0 \$0 \$0 \$0 \$0	\$0 om the ground erty and estimated date e located in the tank and te of d costs) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance	Estimated Rem surrounding th disinfect the af of compliance. Estimated Othe woods at the fa removing the p compliance.	nediation/Disposa e uncapped pipe fected areas. Dat er cost to cease t ar southeast corn pipe. Date Requir	I cost to remove located in the w te required is th he unauthorized er of the proper ed is the initial i	0.00 and products and coods and e investig discharty by c nvestig 0.00 0.00 0.00 0.00 0.00	\$0 roperly dispose of t the far southeast tigation date and t rge of sewage from losing the valve from losing the valve from losing the valve from losing the valve from losing the valve from losing the valve from losing	n/a the sewage solids fr corner of the proper the final date is the or om the uncapped pipe om the final clarifier if final date is the dat r one-time avoider \$0 \$0 \$0 \$0 \$0 \$0	\$0 om the ground erty and estimated date e located in the tank and te of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	Estimated Rem surrounding th disinfect the af of compliance. Estimated Othe woods at the fa removing the p compliance.	nediation/Disposa e uncapped pipe fected areas. Dat er cost to cease t ar southeast corn pipe. Date Requir	I cost to remove located in the w te required is th he unauthorized er of the proper ed is the initial i	0.00 and products and products	\$0 roperly dispose of t the far southeast tigation date and t rge of sewage from losing the valve from ation date and the <b>item (except for</b> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a the sewage solids fr corner of the prope- the final date is the or the final date is the date om the final clarifier final date is the date r one-time avoider \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 om the ground erty and estimated date tank and te of <b>d costs)</b> \$0 \$0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	Estimated Rem surrounding th disinfect the af of compliance. Estimated Othe woods at the fa removing the p compliance.	nediation/Disposa e uncapped pipe fected areas. Dat er cost to cease t ar southeast corn pipe. Date Requir	I cost to remove located in the w te required is th he unauthorized er of the proper ed is the initial i	0.00 and products and coods and e investig discharty by c nvestig 0.00 0.00 0.00 0.00 0.00	\$0 roperly dispose of t the far southeast tigation date and t rge of sewage from losing the valve from losing the valve from losing the valve from losing	n/a the sewage solids fr corner of the proper the final date is the or om the uncapped pipe om the final clarifier if final date is the dat r one-time avoider \$0 \$0 \$0 \$0 \$0 \$0	\$0 om the ground erty and estimated date te located in the tank and te of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	Estimated Rem surrounding th disinfect the af of compliance. Estimated Othe woods at the fa removing the p compliance.	nediation/Disposa e uncapped pipe fected areas. Dat er cost to cease t ar southeast corn pipe. Date Requir	I cost to remove located in the w te required is th he unauthorized er of the proper ed is the initial i	0.00 and products and products	\$0 roperly dispose of t the far southeast tigation date and t rge of sewage from losing the valve from ation date and the <b>item (except for</b> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a the sewage solids fr corner of the prope- the final date is the or the final date is the date om the final clarifier final date is the date r one-time avoider \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 om the ground erty and estimated date tank and te of <b>d costs)</b> \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date		Docket No. 2019-1578-MWD-E	PCW
Respondent Case ID No.			cy Revision 4 (April 2014)
Reg. Ent. Reference No.		PCW	Revision March 26, 2014
Media	Water Quality		
Enf. Coordinator Violation Number			
Rule Cite(s)			
	Tex. Water Co	de § 5.702 and 30 Tex. Admin. Code § 21.4	
Violation Description		d Water Quality fees and associated late fees for TCEQ	
	Financial Administration Acc	count No. 23005554 for Fiscal Years 2010 through 2016.	
		Base Penalty	\$25,000
>> Environmental Drene	why and Human Usalth		
>> Environmental, Prope	Harm	i Matrix	
Release		Minor	
OR Actua Potentia		Percent 0.0%	
	<u> </u>		
>>Programmatic Matrix Falsification	Major Moderate	Minor	
		Percent 0.0%	
			5
Matrix			
Notes			
		# divertment	
		Adjustment \$25,000	
			\$0
Violation Events			
Number of	Violation Events	Number of violation days	
	-		
	daily weekly	_	
	monthly	<b>j</b>	
	quarterly	Violation Base Penalty	\$0
	semiannual annual	-	
	single event	<u>1</u>	
		_	٦
All penalties	s and interest will be determin	ned by the Financial Administration Division at the next	
		billing cycle.	
Good Faith Efforts to Com	0.0%	Reduction	\$0
	Before NOE/NOV		
	Extraordinary		
	Ordinary N/A X		
		dent deep not most the good faith criteria for	
	Notes	dent does not meet the good faith criteria for this violation.	
	<u> </u>		<u>+۵</u>
		Violation Subtota	<b>I</b> \$0
Economic Benefit (EB) for	r this violation	Statutory Limit Test	
Estimat	ed EB Amount	\$0 Violation Final Penalty Tota	\$0
	This vi	olation Final Assessed Penalty (adjusted for limits)	\$0

		conomic	Benefit	Wo	rksheet		
Respondent Case ID No. Leg. Ent. Reference No.	58531						
	Water Quality					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	EB Amount
Item Description							
Delayed Costs	[e	- 1 m		7	r		
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 \$0	n/a	\$0
Permit Costs Other (as needed)				0.00	\$0 \$0	n/a n/a	\$0 \$0
Notes for DELAYED costs				N/	A		
Notes for DELAYED costs	ANNU	ALIZE avoided c	osts before ei			r one-time avoide	d costs)
	ANNU/	ALIZE avoided c	osts before ei			r <b>one-time avoid</b> e \$0	d costs) \$0
Avoided Costs	ANNU/	ALIZE avoided c	osts before el	ntering	<b>item (except fo</b> \$0 \$0	\$0 \$0	
Avoided Costs Disposal Personnel	ANNU/	ALIZE avoided c	osts before ei	ntering	item (except for \$0	\$0	\$0
Avoided Costs Disposal Personnel	ANNU/	ALIZE avoided c	osts before ei	<b>tering</b> 0.00 0.00	item (except for \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	ANNU/	ALIZE avoided co	osts before er	<b>tering</b> 0.00 0.00 0.00 0.00 0.00 0.00	item (except for \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment	ANNU/	ALIZE avoided co	osts before er	tering 0.00 0.00 0.00 0.00 0.00 0.00	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance	ANNU/	ALIZE avoided co	osts before er	<b>tering</b> 0.00 0.00 0.00 0.00 0.00 0.00	item (except for \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	ANNU/	ALIZE avoided c	osts before ei	tering 0.00 0.00 0.00 0.00 0.00 0.00	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0

	Policy Revision 4 (Ap		nalty Ca	lculatio	n Worksh	neet (PC	•	Revision March 26, 2014
TCEQ DATES	Assigned PCW	13-Jan-2020 13-Jan-2020	Screening	1 <mark>3-Jan-</mark> 2020	EPA Due			
	NDENT/FACILI Respondent g. Ent. Ref. No.		DN					
	ty/Site Region				Major/M	linor Source	Minor	
	NFORMATION f./Case ID No.	58531 2019-1578-MWD	_F		No. c	of Violations Order Type		
Med	lia Program(s) Multi-Media		<u>-</u>		Government Enf.	:/Non-Profit Coordinator		
Adr	nin. Penalty \$ L	imit Minimum	\$0 N	laximum	\$25,000			
			Penalty	/ Calcula	tion Section	on		
ΤΟΤΑΙ	L BASE PENA	LTY (Sum of	violation b	ase penal	ties)		Subtotal 1	\$57,500
ADJUS	STMENTS (+) Subtotals 2-7 are ob	/-) TO SUBTO	<b>TAL 1</b> the Total Base Pe	nalty (Subtotal 1	) by the indicated p	ercentage.		
	Compliance His	story		20.0%	Adjustment	Subto	tals 2, 3, & 7	\$11,500
	Notes	Enhancemen	t for one agree	ed order conta	aining a denial o	f liability.		
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
	Notes	The Res	spondent does	not meet the	culpability crite	eria.		
	Good Faith Effe	ort to Comply To	otal Adjustme	ents			Subtotal 5	\$0
	Economic Bene				Enhancement*		Subtotal 6	\$0
	Estimated	Total EB Amounts Cost of Compliance	\$6,068 \$25,000	*Cappe	d at the Total EB \$ A	Amount		
SUM (	OF SUBTOTAI	LS 1-7				F	inal Subtotal	\$69,000
		Subtotal by the indic		RE	0.0%		Adjustment	\$0
Reduces e	Notes	Subtotal by the mate						
	ļ					Final Per	alty Amount	\$69,000
STATI	JTORY LIMIT		IT			Final Asse	ssed Penalty	\$69,000
DEFER Reduces t		nalty by the indicated	percentage		0.0%	Reduction	Adjustment	\$0
	Notes		. 2	mmended for	Findings Orders			
PAYA	BLE PENALTY	1						\$69,000

PCW

Screening Date 13-Jan-2020 Respondent HWY 300 LLC Case ID No. 58531 Reg. Ent. Reference No. RN103065041 Media Water Quality Enf. Coordinator Alejandro Laje

### **Compliance History Worksheet**

#### Compliance History Site Enhancement (Subtotal 2) >> Number Component Number of... Adjust. Written notices of violation ("NOVs") with same or similar violations as those in 0 0% the current enforcement action (number of NOVs meeting criteria) NOVs Other written NOVs 0 0% Any agreed final enforcement orders containing a denial of liability (number of 20% 1 orders meeting criteria) Orders Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal 0 0% government, or any final prohibitory emergency orders issued by the commission Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or 0 ٥% Judgments consent decrees meeting criteria) and Consent Any adjudicated final court judgments and default judgments, or non-adjudicated Decrees final court judgments or consent decrees without a denial of liability, of this state 0 0% or the federal government Any criminal convictions of this state or the federal government (number of Convictions 0 ٥% counts) Emissions Chronic excessive emissions events (number of events) 0 0% Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 0 0% 1995 (number of audits for which notices were submitted) Audits Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were 0 0% disclosed) Environmental management systems in place for one year or more No ٥% Voluntary on-site compliance assessments conducted by the executive director 0% No under a special assistance program Other Participation in a voluntary pollution reduction program No 0% Early compliance with, or offer of a product that meets future state or federal No 0% government environmental requirements Adjustment Percentage (Subtotal 2) 20%

>> 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 Enhancement for one agreed order containing a denial of liability. History Notes Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 20% >> Final Compliance History Adjustment Final Adjustment Percentage \*capped at 100% 20%

#### **Docket No.** 2019-1578-MWD-E

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

		ening Date			Doc	ket No. 2019-1578-MWD-E		PCW
	R	Respondent	HWY 300 LLC				Policy	Revision 4 (April 2014)
	C	Case ID No.	58531				PCW R	evision March 26, 2014
Reg.	Ent. Ref	ference No.	RN103065041					
		Media	Water Quality					
		Coordinator	Alejandro Laje					
	Viola	ation Number	1					
Rule Cite(s) Violation Description		30 Tex.	Admin. Code	§ 305.65 and	1 Tex. Water Code § 26.121(a)(1	)		
		water in the st	ate. Specificall	y, TCEQ Per ent continued	arge wastewater into or adjacent mit No. WQ0014395001 expired I to operate the wastewater treat authorization.	on April		
						Base	Penalty	\$25,000
>> Env	/ironme	ntal, Proper	ty and Hum	an Health	Matrix			
			,	Harm				
		Release	Major	Moderate	Minor			
OR		Actual						
		Potential				Percent 0.0%		
		tie Metuin						
>>Prog	gramma	tic Matrix Falsification	Major	Moderate	Minor			
		Faisincation		Moderate	MINOR	Percent 5.0%		
			^					
	Matrix Notes		100	% of the rule i	requirements	were not met.		
						Adjustment	\$23,750	
							r	±1.050
							l	\$1,250
Violatio	on Event	te						
Violatio		15						
		Number of \	/iolation Events	46	Ī	1382 Number of violation da	ays	
			daily weekly monthly		Ľ			
			quarterly semiannual annual single event			Violation Base	Penalty	\$57,500
		Forty-six mon				rom the date the permit expired nuary 13, 2020).	(April 1,	
Good F	aith Effo	orts to Com	ply	0.0%		R	eduction	\$0
			В	efore NOE/NOV	NOE/NOV to ED	PRP/Settlement Offer		
			Extraordinary					
			Ordinary					
			N/A	<u> </u>		i		
			Notes	The Responde		neet the good faith criteria for violation.		
						Violation S	Subtotal	\$57,500
Econor	nic Bene	efit (EB) for	this violation	on		Statutory Limit	Гest	
		Estimate	ed EB Amount		\$6,068	Violation Final Penal	ty Total	\$69,000
				This viola	tion Final A	ssessed Penalty (adjusted for	r limite)	\$69,000
				1115 11018		issessed Fenalty (aujusted 10)	inits)	40 <i>5</i> ,000

	E	conomic	Benefit	Wo	rksheet		
Respondent	HWY 300 LLC						
Case ID No.							
eg. Ent. Reference No.							
	Water Quality					<b>Percent Interest</b>	Years of
Violation No.	1						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
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	\$25,000	1-Apr-2016	6-Feb-2021	4.85	\$6,068	n/a	\$6,068
r crime costs		1 Api 2010	0-160-2021	4.05	\$0,000	n/a	\$0,000
Other (as needed)	Estimated Perr	mit cost to prepar	e and submit a	0.00 n applica	\$0 ation and obtain a	n/a uthorization to disch	\$0
Other (as needed)	Estimated Perr wastewater. D compliance.	mit cost to prepar ate required is the	e and submit a e permit expira	0.00 n applica tion date	\$0 ation and obtain a e and the final dat	n/a uthorization to disch re is the estimated c	\$0 harge late of
Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated Perr wastewater. D compliance.	mit cost to prepar ate required is the	e and submit a e permit expira	0.00 n applica tion date	\$0 ation and obtain and e and the final dat item (except for	n/a uthorization to disch re is the estimated c r one-time avoide	\$0 harge late of d costs)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated Perr wastewater. D compliance.	mit cost to prepar ate required is the	e and submit a e permit expira	0.00 application data	\$0 ation and obtain a e and the final dat item (except for \$0	n/a uthorization to disch e is the estimated c r <b>one-time avoide</b> \$0	\$0 harge late of d costs) \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated Perr wastewater. D compliance.	mit cost to prepar ate required is the	e and submit a e permit expira	0.00 application data	\$0 ation and obtain a e and the final dat item (except for \$0 \$0	n/a uthorization to disch e is the estimated o r <b>one-time avoide</b> \$0 \$0	\$0 harge late of d costs) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	Estimated Perr wastewater. D compliance.	mit cost to prepar ate required is the	e and submit a e permit expira	0.00 application data tion data tering 0.00 0.00	\$0 ation and obtain at e and the final dat item (except for \$0 \$0 \$0	n/a uthorization to disch ie is the estimated of r one-time avoide \$0 \$0 \$0	\$0 harge late of d costs) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment	Estimated Perr wastewater. D compliance.	mit cost to prepar ate required is the	e and submit a e permit expira	0.00 application data tion data 0.00 0.00 0.00	\$0 ation and obtain au e and the final dat item (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a uthorization to disch ie is the estimated of r one-time avoide \$0 \$0 \$0 \$0 \$0	\$0 harge late of d costs) \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs <b>Avoided Costs</b> Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance	Estimated Perr wastewater. D compliance.	mit cost to prepar ate required is the	e and submit a e permit expira	0.00 application data tion data tering 0.00 0.00 0.00 0.00	\$0 ation and obtain and e and the final dat item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a uthorization to disch e is the estimated of r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 harge late of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs <b>Avoided Costs</b> Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	Estimated Perr wastewater. D compliance.	mit cost to prepar ate required is the	e and submit a e permit expira	0.00 application data itering 0.00 0.00 0.00 0.00 0.00 0.00	\$0 ation and obtain at e and the final dat item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a uthorization to disch te is the estimated of r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 harge late of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs <b>Avoided Costs</b> Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance	Estimated Perr wastewater. D compliance.	mit cost to prepar ate required is the	e and submit a e permit expira	0.00 application data tion data tering 0.00 0.00 0.00 0.00	\$0 ation and obtain and e and the final dat item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a uthorization to disch e is the estimated of r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 harge late of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs <b>Avoided Costs</b> Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	Estimated Perr wastewater. D compliance.	mit cost to prepar ate required is the	e and submit a e permit expira	0.00 application data itering 0.00 0.00 0.00 0.00 0.00 0.00	\$0 ation and obtain at e and the final dat item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a uthorization to disch te is the estimated of r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 harge late of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

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.



# Compliance History Report

Compliance History Report for CN603318437, RN103065041, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or Owner/Operator:	CN603318437, HWY 300 LLC	Classification: SATISFACTORY	<b>Rating:</b> 3.75				
<b>Regulated Entity:</b>	RN103065041, HWY 300	Classification: SATISFACTORY	<b>Rating:</b> 3.75				
<b>Complexity Points:</b>	3	Repeat Violator: NO					
CH Group:	Group: 14 - Other						
Location:	approximately 1,700 feet due east of a point on State Highway 300 which is approximately 2,900 feet north of the intersection of Gregg Tex Road and State Highway 300 and 3,500 feet south of the intersection of State Highway 300 and Farm-to-Market Road 1844 in Gregg County, Texas						
TCEQ Region:	REGION 05 - TYLER						
ID Number(s): WASTEWATER PERMIT WQ0014395002							
Compliance History Period: September 01, 2014 to August 31, 2019 Rating Year: 2019 Rating Date: 09/01/2019							
Date Compliance History Report Prepared: January 13, 2020							
Agency Decision Requiring Compliance History: Enforcement							
Component Period Selected: January 13, 2015 to January 13, 2020							
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.							
Name: Alejandro Laje		<b>Phone:</b> (512) 239-2547					
Site and Owner/Oper	ator History:						
1) Has the site been in exister	compliance period? YES	5					
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 $\Lambda = 1$							

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

#### A. Final Orders, court judgments, and consent decrees: 1 Effective Date: 08/16/2016 ADMINORDER 2

Effective Date:08/16/2016ADMINORDER2016-0403-MWD-E(1660 Order-Agreed Order With Denial)Classification:Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: TCEQ Permit No. WQ0014395001 PERMIT

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

#### B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 2	July 24, 2017	(1422254)
Item 3	November 16, 2017	(1449290)
Item 4	November 20, 2019	(1610266)

### 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):  $_{\mbox{$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 HWY 300 LLC; RN103065041 **BEFORE THE** 

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

### DEFAULT ORDER

**S S S S** 

S

### DOCKET NO. 2019-1578-MWD-E

On \_\_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition, filed pursuant to TEX. WATER CODE chs. 5, 7, and 26 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 HWY 300 LLC ("Respondent").

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

### FINDINGS OF FACT

- 1. Respondent owns and operates a wastewater treatment facility and disposal site located approximately 1,700 feet due east of a point on State Highway 300 that is approximately 2,900 feet north of the intersection of Gregg Tex Road and State Highway 300 and 3,500 feet south of the intersection of State Highway 300 and Farm-to-Market Road 1844 in Gregg County, Texas (the "Facility"). The Facility is near or adjacent to water in the state, as defined in TEX. WATER CODE § 26.001(5).
- 2. After an investigation conducted from August 9, 2019, through August 23, 2019, and record reviews conducted on October 30, 2019, and from December 19, 2019, through December 20, 2019, TCEQ staff documented that Respondent:
  - a. Failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state. Specifically, at least three inches of sewage solids covered the ground surrounding a cleanout located on the east side of the mobile home park adjacent to Grace Creek, and the discharge had cut a path into the banks entering Grace Creek. As a result, Grace Creek was black with sludge, a grey slime or biofilm lined the creek below the surface water level, and just below the biofilm layer was black septic sludge. Additionally, Tubifex worms were observed on the bottom of Grace Creek, indicating that the sludge had been in the creek for a significant amount of time;
  - b. Failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state. Specifically, untreated sewage was leaking from a rusted weld seam on the north wall of the Facility, flowing across the ground, adjacent to Grace Creek. Additionally, untreated sewage was overflowing the aeration basin and discharging onto the ground adjacent to Grace Creek;
  - c. Failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state. Specifically, an uncapped pipe located in the woods at the far southeast corner of the property was discharging untreated sewage and maggots directly from the final clarifier tank onto the ground, discharging into Grace Creek;

- d. Failed to maintain authorization to discharge wastewater into or adjacent to any water in the state. Specifically, TCEQ Permit No. WQ0014395001 expired on April 1, 2016, and Respondent continued to operate the wastewater treatment facility without authorization; and
- e. Failed to pay Consolidated Water Quality fees and associated late fees for TCEQ Financial Administration Account No. 23005554 for Fiscal Years 2010 through 2016.
- 3. 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 HWY 300 LLC" (the "EDPRP") in the TCEQ Chief Clerk's office on April 6, 2021.
- 4. Respondent filed an answer requesting a hearing on April 28, 2021, and the matter was referred to the State Office of Administrative Hearings ("SOAH") on August 31, 2022.
- 5. On October 10, 2022, the TCEQ Chief Clerk mailed notice of the November 10, 2022 preliminary hearing via certified mail, return receipt requested, and via first class mail, postage prepaid to Respondent.
- 6. On November 10, 2022, the Administrative Law Judge ("ALJ") convened the preliminary hearing. Respondent failed to appear, and the Executive Director requested that the ALJ find that Respondent was served with proper notice of the hearing and moved for dismissal and remand of the matter to the Executive Director so that a Default Order may be entered by the Commission.
- 7. On November 15, 2022, the ALJ entered a finding that Respondent was served with proper notice of the hearing and granted the Executive Director's motion for dismissal. On December 13, 2022, SOAH remanded the matter to the Executive Director.

### CONCLUSIONS OF LAW

- 1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 5 and 26 and the rules of the TCEQ.
- 2. As evidenced by Finding of Fact No. 2.a., Respondent failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state, in violation of Tex. WATER CODE § 26.121(a)(1).
- 3. As evidenced by Finding of Fact No. 2.b., Respondent failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state, in violation of Tex. WATER CODE § 26.121(a)(1).
- 4. As evidenced by Finding of Fact No. 2.c., Respondent failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state, in violation of Tex. WATER CODE § 26.121(a)(1).
- 5. As evidenced by Finding of Fact No. 2.d., Respondent failed to maintain authorization to discharge wastewater into or adjacent to any water in the state, in violation of Tex. WATER CODE § 26.121(a)(1) and 30 Tex. ADMIN. CODE § 305.65.
- 6. As evidenced by Finding of Fact No. 2.e., Respondent failed to pay Consolidated Water Quality fees and associated late fees for TCEQ Financial Administration Account No. 23005554 for Fiscal Years 2010 through 2016, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 21.4.
- 7. As evidenced by Finding of Fact No. 4, Respondent filed an answer requesting a hearing as required by Tex. WATER CODE § 7.056 and 30 Tex. ADMIN. CODE § 70.105, and the matter was referred to SOAH pursuant to 1 Tex. ADMIN. CODE §§ 155.53(b) and 155.101(d) and 30 Tex. ADMIN. CODE § 70.109.

- 8. As evidenced by Finding of Fact No. 5, Respondent was provided proper notice of the preliminary hearing in accordance with Tex. Gov'T CODE §§ 2001.051(1) and 2001.052, Tex. WATER CODE § 7.058, 1 TEX. ADMIN. CODE §§ 155.105(b), 155.401, and 155.501, and 30 TEX. ADMIN. CODE §§ 1.11, 1.12, 39.405, 39.413, 39.425, and 80.6.
- 9. As evidenced by Findings of Fact Nos. 6 and 7, Respondent failed to appear for the preliminary hearing, and pursuant to Tex. Gov'T CODE § 2001.056(4) and 1 Tex. ADMIN. CODE § 155.501(e), the ALJ dismissed the case from SOAH's docket so that the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director pursuant to Tex. WATER CODE § 7.057 and 30 Tex. ADMIN. CODE § 70.106(b).
- 10. Pursuant to TEX. WATER CODE § 7.051, 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 one hundred thirty-six thousand five hundred dollars (\$136,500.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in Tex. WATER CODE § 7.053.
- 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 one hundred thirty-six thousand five hundred dollars (\$136,500.00) 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 which 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: HWY 300 LLC; Docket No. 2019-1578-MWD-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. Immediately upon the effective date of this Order:
    - i. Cease the unauthorized discharge of sewage from the rusted weld seam on the north wall of the Facility and from the aeration basin; and
    - ii. Until such time that authorization to operate is obtained or until 90 days after the effective date of this Order, whichever is earlier, comply with the permit limits and conditions of expired TCEQ Permit No. WQ0014395001.

Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests or by any other deadline specified in writing.

- b. Within 15 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 3.f., to demonstrate compliance with Ordering Provision Nos. 3.a.i. and 3.a.ii.
- c. Within 30 days after the effective date of this Order:
  - i. Remove and properly dispose of the sewage solids from the ground surrounding the cleanout located on the east side of the mobile home park, adjacent to Grace Creek, and disinfect the affected areas;
  - ii. Remove and properly dispose of the sewage solids from the ground surrounding the rusted weld seam on the north wall of the Facility and the aeration basin and disinfect the affected areas;
  - iii. Remove and properly dispose of the sewage solids from the ground surrounding the uncapped pipe located in the woods at the far southeast corner of the property and disinfect the affected areas; and
  - iv. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 23005554, as required by Tex. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 21.4. The payment shall be submitted 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

- d. Within 45 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 3.f., to demonstrate compliance with Ordering Provision Nos. 3.c.i. through 3.c.iv.
- e. Within 90 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 3.f., that authorization to operate has been obtained or that operation has ceased until such time that appropriate authorization is obtained.
- f. 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 certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

and:

HWY 300 LLC Docket No. 2019-1578-MWD-E Page 5

> Water Section Manager Tyler Regional Office Texas Commission on Environmental Quality 2916 Teague Drive Tyler, Texas 75701-3734

- 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 Enforcement Division at the address listed above.
- 7. If 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, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 8. 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.
- 9. 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.
- 10. 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.
- 11. 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.

HWY 300 LLC Docket No. 2019-1578-MWD-E Page 6

### SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



### UNSWORN DECLARATION OF JESSE CLAYTON SMITH

"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 HWY 300 LLC' (the 'EDPRP') was filed in the TCEQ Chief Clerk's office on April 6, 2021.

Respondent filed an answer requesting a hearing on April 28, 2021, and the matter was referred to the State Office of Administrative Hearings ('SOAH') on August 31, 2022. On October 10, 2022, the TCEQ Chief Clerk mailed notice of the November 10, 2022 preliminary hearing via certified mail, return receipt requested, and via first class mail, postage prepaid to Respondent.

Respondent failed to appear at the hearing on November 10, 2022. At that hearing, I requested that the Administrative Law Judge ('ALJ') enter a finding that Respondent was served with proper notice of the hearing and the matter be remanded to the Executive Director pursuant to 1 TEX. ADMIN. CODE § 155.501(e), which gives an ALJ the authority to remand the case back to the TCEQ for informal disposition on a default basis in accordance with TEX. GOV'T CODE § 2001.056.

The ALJ granted the Executive Director's motion for dismissal in his Default Dismissal Order, issued on November 15, 2022. SOAH remanded the case to the Executive Director on December 13, 2022, so that TCEQ may dispose of this case on a default basis."

"My name is Jesse Clayton Smith, 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 17th day of January, 2023

Declarant