

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 49726
MAUKA WATER, LTD.
RN101174977
Docket No. 2020-0700-PWS-E

Page 1 of 2

Order Type:

Findings Agreed Order

Findings Order Justification:

Indifference to legal duty based on violation of a previous order.

Media:

PWS

Small Business:

N/A

Location(s) Where Violation(s) Occurred:

3305 Westview Drive, Venus, Johnson County

Type of Operation:

public water system

Other Significant Matters

Additional Pending Enforcement Actions: None

Past-Due Penalties: \$17,544 (Account No. 23612497)

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: \$937

Total Paid to General Revenue: \$937

Total Due to General Revenue: \$0

Compliance History Classifications:

Person/CN – N/A

Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: March 12, 2020
Date(s) of NOV(s): N/A
Date(s) of NOE(s): May 1, 2020

Violation Information

Failed to provide two or more wells having a total well capacity of 0.6 gallons per minute (“gpm”) per connection [TEX. HEALTH & SAFETY CODE § 341.0315(c), 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(i), and TCEQ Default Order Docket No. 2017-1658-PWS-E, Ordering Provision No. 3.c.ii].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:
None

Technical Requirements:

1. Within 180 days, provide two or more wells having a total well capacity of at least 0.6 gpm.
2. Within 195 days, submit written certification to demonstrate compliance with Technical Requirement No. 1.

Litigation Information

Date Petition(s) Filed: April 2, 2021; August 13, 2021; October 5, 2021
Date Green Card(s) Signed: April 9, 2021 August 16, 2021; October 12, 2021
SOAH Referral Date: September 1, 2021
Hearing Date(s):
Preliminary hearing: November 4, 2021
Evidentiary hearing: March 8, 2022 (Remanded before hearing)
Settlement Date: December 15, 2021

Contact Information

TCEQ Attorneys: Judy Bohr, 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: Aaron Vincent, Enforcement, (512) 239-0855
TCEQ Regional Contact: Brent Candler, Dallas/Fort Worth Regional Office, (817) 588-5800
Respondent Contact: Scott Neely, President, MAUKA WATER, LTD., P.O. Box 100428, Fort Worth, Texas 76185-0428
Respondent's Attorney: Robert J. Rockett, 307 West 7th Street, Suite 1719, Fort Worth, Texas 76102



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES	Assigned	4-May-2020	Screening	11-May-2020	EPA Due	
	PCW	25-May-2021				

RESPONDENT/FACILITY INFORMATION

Respondent	MAUKA WATER, LTD.		
Reg. Ent. Ref. No.	RN101174977		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	49726	No. of Violations	1
Docket No.	2020-0700-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Aaron Vincent
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	25.0%	Adjustment	Subtotals 2, 3, & 7	\$187
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Notes Enhancement for one default order.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$559
Estimated Cost of Compliance \$5,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$937
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$937
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$937
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$937
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Screening Date	11-May-2020	Docket No.	2020-0700-PWS-E	PCW
Respondent	MAUKA WATER, LTD.			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	49726			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101174977			
Media	Public Water Supply			
Enf. Coordinator	Aaron Vincent			

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>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
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) 25%

>> 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 default order.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 25%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 25%

Screening Date	11-May-2020	Docket No.	2020-0700-PWS-E	PCW
Respondent	MAUKA WATER, LTD.			Policy Revision 4 (April 2014)
Case ID No.	49726			PCW Revision September 1, 2019
Reg. Ent. Reference No.	RN101174977			
Media	Public Water Supply			
Enf. Coordinator	Aaron Vincent			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 290.45(b)(1)(D)(i), Tex. Health & Safety Code § 341.0315(c) and TCEQ Default Order Docket No. 2017-1658-PWS-E, Ordering Provision No. 3.c.ii			
Violation Description	Failed to provide two or more wells having a total well capacity of 0.6 gallons per minute ("gpm") per connection. The Facility had 340 connections, requiring a total well capacity of 204 gpm. However, only 135 gpm was provided, indicating a 34% deficiency.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes: Failure to provide adequate well capacity could expose persons served by the Facility to a significant amount of contaminants that would not exceed levels that are protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events	3	223	Number of violation days
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	daily		weekly		monthly		quarterly	x		semiannual		annual		single event	
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Violation Base Penalty \$750

Three quarterly events are recommended, calculated from the October 1, 2019 effective date of TCEQ Default Order Docket No. 2017-1658-PWS-E to the May 11, 2020 screening date.

Good Faith Efforts to Comply

	0.0%		
		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 \$750

Economic Benefit (EB) for this violation

Estimated EB Amount	\$559	Violation Final Penalty Total	\$938
This violation Final Assessed Penalty (adjusted for limits)			\$938

Economic Benefit Worksheet

Respondent MAUKA WATER, LTD.
Case ID No. 49726
Reg. Ent. Reference No. RN101174977
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
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$5,000	1-Oct-2019	6-May-2021	1.60	\$27	\$532	\$559
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 two or more wells having a total capacity of at least 0.6 gpm per connection, calculated from the effective date of TCEQ Default Order Docket No. 2017-1658-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

Approx. Cost of Compliance

\$5,000

TOTAL

\$559



Compliance History Report

Compliance History Report for CN601502172, RN101174977, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or Owner/Operator: CN601502172, MAUKA WATER LTD
Classification: NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN101174977, MAUKA
Classification: NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A
Repeat Violator: N/A

CH Group: 14 - Other

Location: 3305 Westview Drive in Venus, Johnson County, Texas

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1260123 **WATER LICENSING** LICENSE 1260123

Compliance History Period: September 01, 2014 to August 31, 2019 **Rating Year:** 2019 **Rating Date:** 09/01/2019

Date Compliance History Report Prepared: July 23, 2020

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: July 23, 2015 to July 23, 2020

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

Name: Aaron Vincent **Phone:** (512) 239-0855

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: 10/01/2019 ADMINORDER 2017-1658-PWS-E (Findings Order-Default)
- Classification: Major
- Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
- Rqmt Prov: Provision No. 2.c ORDER
- Description: Failure to obtain sanitary control easements that cover the land within 150 feet of the Facility's four wells, in accordance with 30 TEX. ADMIN. CODE §290.41. Failure to comply with Agreed Commission Order Docket No. 2014-1778-PWS-E.
- Classification: Major
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(u)
- Rqmt Prov: Provision No. 2.e.i ORDER
- Description: Failure to ensure that the abandoned public water supply Well #1, Well #2, and Well #3 are properly plugged with cement in accordance with 16 TEX. ADMIN. CODE ch. 76 or submit the test results proving that the wells are in a non-deteriorated condition in accordance with 30 TEX. ADMIN. CODE §290.46. Failure to comply with Agreed Commission Order Docket No. 2014-1778-PWS-E.
- Classification: Major
- Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(i)
- 5A THSC Chapter 341, SubChapter A 341.0315(c)
- Rqmt Prov: Provision No. 2.e.ii ORDER
- Description: Failure to provide two or more wells having a total well capacity of 0.6 gallons per minute (gpm) per connection, in accordance with 30 TEX. ADMIN. CODE §290.45. Failure to comply with Agreed Commission Order Docket No. 2014-1778-PWS-E.
- Classification: Major
- Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(ii)
- 5A THSC Chapter 341, SubChapter A 341.0315(c)

Rqmt Prov: Provision No. 2.e.iii ORDER

Description: Failure to provide a total storage capacity of 200 gallons per connection, in accordance with 30 TEX. ADMIN. CODE §290.45. Failure to comply with Agreed Commission Order Docket No. 2014-1778-PWS-E.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iii)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Rqmt Prov: Provision No. 2.e.iv ORDER

Description: Failure to provide two or more service pumps having a total capacity of 2.0 gpm, in accordance with 30 TEX. ADMIN. CODE §290.45. Failure to comply with Agreed Commission Order Docket No. 2014-1778-PWS-E.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iv)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Rqmt Prov: Provision No. 2.e.v ORDER

Description: Failure to provide a pressure tank capacity of 20 gallons per connection, in accordance with 30 TEX. ADMIN. CODE §290.45. Failure to comply with Agreed Commission Order Docket No. 2014-1778-PWS-E.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

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 NOV's Issued During Component Period 7/23/2015 and 7/23/2020

N/A

For Informational Purposes Only

Appendix B

All Investigations Conducted During Component Period July 23, 2015 and July 23, 2020

(1449209)

Item 1

November 09, 2017**

For Informational Purposes Only

(1548927)

Item 2

February 21, 2019**

For Informational Purposes Only

(1644816)

Item 3

April 30, 2020

For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2014 and 08/31/2019.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MAUKA WATER, LTD.;
RN101174977**

**§
§
§
§
§
§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2020-0700-PWS-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding MAUKA WATER, LTD. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, represented by Robert J. Rockett, presented this Order to the Commission.

Respondent understands that he has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, to request an evidentiary hearing, receive notice of an evidentiary hearing, and a right to appeal. By entering into this Order, Respondent agrees to waive all notice and procedural rights which might otherwise be authorized or required in this action.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon Respondent.

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

FINDINGS OF FACT

1. Respondent owns a public water system located at 3305 Westview Drive in Venus, Johnson County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 340 service connections, 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 commenced on March 12, 2020, an investigator documented that Respondent failed to provide two or more wells having a total well capacity of 0.6 gallon per minute ("gpm") per connection, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c), 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(i), and TCEQ Default Order Docket No. 2017-1658-PWS-E, Ordering Provision No. 3.c.ii. Specifically, the Facility had 340 connections, requiring a total well capacity of 204 gpm. However, only 135 gpm was provided, indicating a 34% deficiency.

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, Respondent failed to provide two or more wells having a total well capacity of 0.6 gallons per minute ("gpm") per connection, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c), 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(i), and TCEQ Default Order Docket No. 2017-1658-PWS-E, Ordering Provision No. 3.c.ii.
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), TCEQ 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.
4. An administrative penalty in the amount of nine hundred thirty-seven dollars (\$937.00) 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). Respondent paid nine hundred thirty-seven dollars (\$937.00) of the penalty.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all 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. Respondent shall undertake the following technical requirements:
 - a. Within 180 days after the effective date of this Order, provide two or more wells having a total well capacity of at least 0.6 gallons per minute, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - b. Within 195 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision No. 2.a. The certification 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:

Order Compliance Team
Texas Commission on Environmental Quality
Enforcement, 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

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by 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.
5. 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.
6. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the Office of the Attorney General of the State of Texas (“OAG”) to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ’s jurisdiction, or of a rule adopted or an order or permit issued by TCEQ under such a statute. The Executive Director may, without further notice or hearing, refer this matter to the OAG for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
7. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.

8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Erin E. Chandalor

02/23/22

For the Executive Director

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions in this Order and/or failure to timely pay the penalty amount may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution.

Scott Neely - President

12/15/21

Signature - Scott Neely, President
WILDERNESS ENTERPRISES, INC., General Partner
MAUKA WATER, LTD.
P.O. Box 100428
Fort Worth, Texas 76185-0428

Date

☐ If mailing address has changed, please check this box and provide the new address below:
