

**Executive Summary – Enforcement Matter – Case No. 60071**  
**SUBLIGHT ENTERPRISES, Inc.**  
**RN101519056**  
**Docket No. 2020-1487-MWD-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

**Media:**

MWD

**Small Business:**

Yes

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

Portland Inn, 601 U.S. Highway 181, Portland, San Patricio County

**Type of Operation:**

Wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** July 30, 2021

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$12,200

**Total Paid to General Revenue:** \$12,200

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

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** August 27, 2020

**Date(s) of NOE(s):** October 21, 2020

**Executive Summary – Enforcement Matter – Case No. 60071**  
**SUBLIGHT ENTERPRISES, Inc.**  
**RN101519056**  
**Docket No. 2020-1487-MWD-E**

***Violation Information***

Failed to comply with permitted effluent limitations for biochemical oxygen demand (5-day), total suspended solids, and *Enterococci* [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011096001, Effluent Limitations and Monitoring Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to, within 130 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0011096001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations to demonstrate compliance.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Mark Gamble, Enforcement Division, Enforcement Team 3, MC 219, (512) 239-2587; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Loredana Sisson, Executive of the Nicolo Cernul Estate, SUBLIGHT ENTERPRISES, Inc., P.O. Box 1081, Portland, Texas 78374

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	26-Oct-2020		
	<b>PCW</b>	21-Jan-2021	<b>Screening</b>	16-Nov-2020
			<b>EPA Due</b>	

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	SUBLIGHT ENTERPRISES, Inc.
<b>Reg. Ent. Ref. No.</b>	RN101519056
<b>Facility/Site Region</b>	14-Corpus Christi
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	60071	<b>No. of Violations</b>	2
<b>Docket No.</b>	2020-1487-MWD-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Mark Gamble
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$10,000</b>
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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.

<b>Compliance History</b>	<b>22.0%</b>	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$2,200</b>
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Notes: Enhancement for four months of self-reported effluent violations and for one NOV with dissimilar violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
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<b>Economic Benefit</b>	<b>0.0%</b>	Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$2,394
Estimated Cost of Compliance	\$25,000

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$12,200</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	Adjustment	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$12,200</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$12,200</b>
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<b>DEFERRAL</b>	<b>0.0%</b>	Reduction	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	<b>\$12,200</b>
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**Screening Date** 16-Nov-2020

**Docket No.** 2020-1487-MWD-E

**PCW**

**Respondent** SUBLIGHT ENTERPRISES, Inc.

*Policy Revision 4 (April 2014)*

**Case ID No.** 60071

*PCW Revision March 26, 2014*

**Reg. Ent. Reference No.** RN101519056

**Media** Water Quality

**Enf. Coordinator** Mark Gamble

### 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> )	4	20%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 22%

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

No

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

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

Satisfactory Performer

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

**>> Compliance History Summary**

**Compliance History Notes**

Enhancement for four months of self-reported effluent violations and for one NOV with dissimilar violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 22%

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 22%

Screening Date 16-Nov-2020

Docket No. 2020-1487-MWD-E

PCW

Respondent SUBLIGHT ENTERPRISES, Inc.

Policy Revision 4 (April 2014)

Case ID No. 60071

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101519056

Media Water Quality

Enf. Coordinator Mark Gamble

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011096001, Effluent Limitations and Monitoring Requirements No. 1

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

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

A simplified model was used to evaluate biochemical oxygen demand (5-day) to determine whether the discharged amounts of pollutants exceeded protective levels. Total suspended solids were also considered. Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2 182 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

Two quarterly events are recommended for the quarters containing the months of January 2020 through June 2020.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,394

Violation Final Penalty Total \$3,050

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

## Economic Benefit Worksheet

**Respondent** SUBLIGHT ENTERPRISES, Inc.  
**Case ID No.** 60071  
**Reg. Ent. Reference No.** RN101519056  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	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				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25,000	31-Jan-2020	30-Dec-2021	1.92	\$2,394	n/a	\$2,394

**Notes for DELAYED costs**

Estimated Other (as needed) cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations. The Date Required is the end date of the first month of noncompliance and the Final Date is 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**

\$25,000

**TOTAL**

\$2,394

**Screening Date** 16-Nov-2020  
**Respondent** SUBLIGHT ENTERPRISES, Inc.  
**Case ID No.** 60071  
**Reg. Ent. Reference No.** RN101519056  
**Media** Water Quality  
**Enf. Coordinator** Mark Gamble

**Docket No.** 2020-1487-MWD-E

**PCW**

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

**Violation Number**

**Rule Cite(s)**  
 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0011096001, Effluent Limitations and Monitoring Requirements No. 1

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

**Base Penalty**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text" value="x"/>			<input type="text" value="30.0%"/>
	Potential				

**>> Programmatic Matrix**

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

**Matrix Notes**  
 Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

One monthly event is recommended for November 2019.

**Good Faith Efforts to Comply**

Reduction

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

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>

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

**Violation Subtotal**

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

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** SUBLIGHT ENTERPRISES, Inc.  
**Case ID No.** 60071  
**Reg. Ent. Reference No.** RN101519056  
**Media** Water Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	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				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs: Economic Benefit is included in Violation No. 1.							

### 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 \$0

**TOTAL** \$0



SUBLIGHT ENTERPRISES, Inc.  
Docket No. 2020-1487-MWD-E  
TPDES Permit No. WQ0011096001

Effluent Violation Table			
	BOD <sub>5</sub>	Total Suspended Solids	<i>Enterococci</i>
	Daily Average Concentration	Daily Average Concentration	Single Grab Concentration
Month/Year	Limit = 20 mg/L	Limit = 20 mg/L	Limit = 104 CFU/100 mL
November 2019	23.75	c	816.4
January 2020	c	20.5	c
February 2020	21	c	c
March 2020	c	23.2	c
April 2020	27.25	27.5	c
May 2020	25.5	c	c
June 2020	25.2	c	c

c = compliant

BOD<sub>5</sub> = biochemical oxygen demand (5-day)

CFU/100 mL = colony forming units per 100 milliliters

mg/L = milligrams per liter

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# Compliance History Report

Compliance History Report for CN600794242, RN101519056, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

**Customer, Respondent, or Owner/Operator:** CN600794242, SUBLIGHT ENTERPRISES, Inc. **Classification:** SATISFACTORY **Rating:** 2.40

**Regulated Entity:** RN101519056, PORTLAND INN **Classification:** SATISFACTORY **Rating:** 2.40

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

**CH Group:** 14 - Other

**Location:** 601 U.S. HIGHWAY 181, PORTLAND, IN SAN PATRICIO COUNTY, TEXAS 78374

**TCEQ Region:** REGION 14 - CORPUS CHRISTI

**ID Number(s):**

**WASTEWATER PERMIT** WQ0011096001

**WASTEWATER EPA ID** TX0066664

**WASTEWATER LICENSING LICENSE** WQ0011096001

**Compliance History Period:** September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

**Date Compliance History Report Prepared:** April 29, 2021

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** April 29, 2016 to April 29, 2021

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

**Name:** Mark Gamble

**Phone:** (512) 239-2587

**Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

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

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

N/A

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	May 27, 2016	(1346558)			
Item 2	July 07, 2016	(1352979)			
Item 3	July 26, 2016	(1359949)	Item 14	July 24, 2017	(1440654)
Item 4	October 05, 2016	(1373073)	Item 15	August 17, 2017	(1444342)
Item 5	October 27, 2016	(1379261)	Item 16	September 19, 2017	(1450934)
Item 6	December 02, 2016	(1385213)	Item 17	October 17, 2017	(1456800)
Item 7	January 01, 2017	(1391341)	Item 18	November 30, 2017	(1462263)
Item 8	January 26, 2017	(1397968)	Item 19	December 22, 2017	(1468645)
Item 9	February 16, 2017	(1404858)	Item 20	January 12, 2018	(1475355)
Item 10	March 18, 2017	(1411945)	Item 21	February 06, 2018	(1487552)
Item 11	April 20, 2017	(1418450)	Item 22	March 14, 2018	(1491229)
Item 12	May 21, 2017	(1426049)	Item 23	April 14, 2018	(1494481)
Item 13	June 23, 2017	(1432087)	Item 24	May 05, 2018	(1501427)
			Item 25	June 15, 2018	(1508519)

Item 26	July 09, 2018	(1514849)	Item 35	June 14, 2019	(1584866)
Item 27	September 15, 2018	(1528084)	Item 36	July 18, 2019	(1593978)
Item 28	October 19, 2018	(1534427)	Item 37	August 14, 2019	(1600299)
Item 29	December 13, 2018	(1546029)	Item 38	September 18, 2019	(1607192)
Item 30	January 10, 2019	(1562125)	Item 39	October 09, 2019	(1614042)
Item 31	February 14, 2019	(1562123)	Item 40	November 14, 2019	(1619854)
Item 32	March 12, 2019	(1562124)	Item 41	January 16, 2020	(1634851)
Item 33	April 11, 2019	(1572627)	Item 42	August 18, 2020	(1681149)
Item 34	May 15, 2019	(1584865)	Item 43	September 18, 2020	(1687718)

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

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

- 1 Date: 04/30/2020 (1660892)  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
  
- 2 Date: 05/31/2020 (1667425)  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
  
- 3 Date: 06/30/2020 (1674374)  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
  
- 4 Date: 09/30/2020 (1694064)  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
  
- 5 Date: 04/01/2021 (1703805)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
30 TAC Chapter 317 317.2(a)(7)  
30 TAC Chapter 317 317.4(a)(8)  
Description: Operational Requirements; No. 1, Pg. 13 PERMIT  
Failed to ensure that the facility and all of its systems of collection, treatment,  
and disposal are properly operated and maintained.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 319, SubChapter A 319.11(d)  
Operational Requirements; No. 5, Pg. 13 PERMIT  
Description: Failed to maintain a flow measurement device that conforms to the requirements  
in the latest edition of Water Measurement Manual, published by the United States  
Department of the Interior, Bureau of Reclamation, or methods that are  
equivalent as approved by the executive director.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 319, SubChapter A 319.5(b)  
Effluent Monitoring Req.; No. 1, Pg. 2 PERMIT  
Monitor & Report Req.; No. 2, Pg. 5 PERMIT  
Description: Failed to monitor the effluent parameters of BOD, TSS, and Enterococci at least  
once per week by grab sample.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 319, SubChapter A 319.7(a)  
30 TAC Chapter 319, SubChapter A 319.7(c)  
Monitoring Requirements No. 3.c., Pg. 6 PERMIT  
Description: Failed to maintain complete records of monitoring activities.  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(4)  
Effluent Limitations; No. 4, Pg. 2 PERMIT

Description: Failed to prevent the discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Reporting Requirements; No. 4, Pg. 6 PERMIT

Description: Failed to indicate increased frequency of sampling on the self-report form.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 319, SubChapter A 319.11(c)  
Monitoring Requirements No. 2.a., Pg. 5 PERMIT

Description: Failed to properly analyze the total residual chlorine sample according to test methods specified in 40 CFR Part 136 or more recent editions of Standard Methods for the Examination of Water and Wastewater than those cited in Part 136.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
Operational Requirements; No. 1, Pg. 13 PERMIT

Description: Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control.

**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 4/29/2016 and 4/29/2021

- 1 Date: 07/31/2016 (1366394) Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 2 Date: 08/23/2016 (1356835) Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Monitoring & Reporting No.7.c PERMIT  
Description: Failed to provide notification of any effluent violation which deviates from the permitted effluent limitation by more than 40%.
- 3 Date: 10/31/2018 (1542261) Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 4\* Date: 11/30/2019 (1627215) Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 5\* Date: 01/31/2020 (1641466) Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 6\* Date: 02/29/2020 (1647976) Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 7\* Date: 03/31/2020 (1654327) Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 8\* Date: 04/30/2020 (1660892) Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 9\* Date: 05/31/2020 (1667425)

Classification: Moderate

Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

10\* Date: 06/30/2020 (1674374)

Classification: Moderate

Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

11 Date: 09/30/2020 (1694064)

Classification: Moderate

Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

12 Date: 04/01/2021 (1703805)

Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
30 TAC Chapter 317 317.2(a)(7)  
30 TAC Chapter 317 317.4(a)(8)  
Operational Requirements; No. 1, Pg. 13 PERMIT  
Description: Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 319, SubChapter A 319.11(d)  
Operational Requirements; No. 5, Pg. 13 PERMIT  
Description: Failed to maintain a flow measurement device that conforms to the requirements in the latest edition of Water Measurement Manual, published by the United States Department of the Interior, Bureau of Reclamation, or methods that are equivalent as approved by the executive director.

Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 319, SubChapter A 319.5(b)  
Effluent Monitoring Req.; No. 1, Pg. 2 PERMIT  
Monitor & Report Req.; No. 2, Pg. 5 PERMIT  
Description: Failed to monitor the effluent parameters of BOD, TSS, and Enterococci at least once per week by grab sample.

Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 319, SubChapter A 319.7(a)  
30 TAC Chapter 319, SubChapter A 319.7(c)  
Monitoring Requirements No. 3.c., Pg. 6 PERMIT  
Description: Failed to maintain complete records of monitoring activities.

Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(4)  
Effluent Limitations; No. 4, Pg. 2 PERMIT  
Description: Failed to prevent the discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

Classification: Minor

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Reporting Requirements; No. 4, Pg. 6 PERMIT  
Failed to indicate increased frequency of sampling on the self-report form.  
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 319, SubChapter A 319.11(c)  
Monitoring Requirements No. 2.a., Pg. 5 PERMIT

Description: Failed to properly analyze the total residual chlorine sample according to test methods specified in 40 CFR Part 136 or more recent editions of Standard Methods for the Examination of Water and Wastewater than those cited in Part 136.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
Operational Requirements; No. 1, Pg. 13 PERMIT

Description: Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control.

\* NOVs applicable for the Compliance History rating period 9/1/2015 to 8/31/2020

## Appendix B

### All Investigations Conducted During Component Period April 29, 2016 and April 29, 2021

Item 1*	May 27, 2016**	(1346558) For Informational Purposes Only
Item 2*	July 07, 2016**	(1352979) For Informational Purposes Only
Item 3*	July 26, 2016**	(1359949) For Informational Purposes Only
Item 4	August 23, 2016**	(1356835) For Informational Purposes Only
Item 5	August 29, 2016**	(1366394) For Informational Purposes Only
Item 6	September 20, 2016**	(1362900) For Informational Purposes Only
Item 7*	October 05, 2016**	(1373073) For Informational Purposes Only
Item 8*	October 27, 2016**	(1379261) For Informational Purposes Only
Item 9*	December 02, 2016**	(1385213) For Informational Purposes Only
Item 10*	January 01, 2017**	(1391341) For Informational Purposes Only
Item 11*	January 26, 2017**	(1397968) For Informational Purposes Only
Item 12*	February 16, 2017**	(1404858) For Informational Purposes Only
Item 13*	March 18, 2017**	(1411945) For Informational Purposes Only

Item 14*	April 20, 2017**	(1418450) For Informational Purposes Only
Item 15*	May 21, 2017**	(1426049) For Informational Purposes Only
Item 16*	June 23, 2017**	(1432087) For Informational Purposes Only
Item 17*	July 24, 2017**	(1440654) For Informational Purposes Only
Item 18*	August 17, 2017**	(1444342) For Informational Purposes Only
Item 19*	September 19, 2017**	(1450934) For Informational Purposes Only
Item 20*	October 17, 2017**	(1456800) For Informational Purposes Only
Item 21*	November 30, 2017**	(1462263) For Informational Purposes Only
Item 22*	December 22, 2017**	(1468645) For Informational Purposes Only
Item 23*	January 12, 2018**	(1475355) For Informational Purposes Only
Item 24*	February 06, 2018**	(1487552) For Informational Purposes Only
Item 25*	March 14, 2018**	(1491229) For Informational Purposes Only
Item 26*	April 14, 2018**	(1494481) For Informational Purposes Only
Item 27*	May 05, 2018**	(1501427) For Informational Purposes Only
Item 28*	June 15, 2018**	(1508519) For Informational Purposes Only
Item 29*	July 09, 2018**	(1514849) For Informational Purposes Only
Item 30*	September 15, 2018**	(1528084) For Informational Purposes Only
Item 31*	October 19, 2018**	(1534427) For Informational Purposes Only
Item 32	November 19, 2018**	(1542261) For Informational Purposes Only
Item 33*	December 13, 2018**	(1546029) For Informational Purposes Only
Item 34*	January 10, 2019**	(1562125) For Informational Purposes Only
		(1562123)



Item 35*	February 14, 2019**	For Informational Purposes Only (1562124)
Item 36*	March 12, 2019**	For Informational Purposes Only (1572627)
Item 37*	April 11, 2019**	For Informational Purposes Only (1584865)
Item 38*	May 15, 2019**	For Informational Purposes Only (1584866)
Item 39*	June 14, 2019**	For Informational Purposes Only (1593978)
Item 40*	July 18, 2019**	For Informational Purposes Only (1600299)
Item 41*	August 14, 2019**	For Informational Purposes Only (1607192)
Item 42*	September 18, 2019**	For Informational Purposes Only (1614042)
Item 43*	October 09, 2019**	For Informational Purposes Only (1619854)
Item 44*	November 14, 2019**	For Informational Purposes Only (1627215)
Item 45	December 10, 2019**	For Informational Purposes Only (1634851)
Item 46*	January 16, 2020**	For Informational Purposes Only (1641466)
Item 47	February 18, 2020**	For Informational Purposes Only (1647976)
Item 48	March 19, 2020**	For Informational Purposes Only (1654327)
Item 49	April 19, 2020**	For Informational Purposes Only (1660892)
Item 50	May 19, 2020**	For Informational Purposes Only (1667425)
Item 51	June 16, 2020**	For Informational Purposes Only (1674374)
Item 52	July 19, 2020**	For Informational Purposes Only (1681149)
Item 53*	August 18, 2020**	For Informational Purposes Only (1687718)
Item 54*	September 18, 2020	For Informational Purposes Only (1694064)
Item 55	October 19, 2020	For Informational Purposes Only (1671969)

Item 56      October 21, 2020      For Informational Purposes Only  
(1703805)

Item 57      April 01, 2021      For Informational Purposes Only

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2015 and 08/31/2020.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
SUBLIGHT ENTERPRISES, INC.  
RN101519056**

**§  
§  
§  
§  
§**

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2020-1487-MWD-E**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding SUBLIGHT ENTERPRISES, Inc. (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

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 the Respondent.

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

**I. FINDINGS OF FACT**

1. The Respondent owns and operates a wastewater treatment facility located at 601 United States Highway 181, Portland, in San Patricio 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. During a record review conducted on August 27, 2020, an investigator documented that the Respondent:
  - a. Did not comply with permitted effluent limitations, as shown in the effluent violation tables below:

	BOD <sub>5</sub>	Total Suspended Solids	<i>Enterococci</i>
	Daily Average Concentration	Daily Average Concentration	Single Grab Concentration
Month/Year	Limit = 20 mg/L	Limit = 20 mg/L	Limit = 104 CFU/100 mL
November 2019	23.75	c	816.4
January 2020	c	20.5	c
February 2020	21	c	c
March 2020	c	23.2	c
April 2020	27.25	27.5	c
May 2020	25.5	c	c
June 2020	25.2	c	c

c = compliant

BOD<sub>5</sub> = biochemical oxygen demand (5-day)

CFU/100 mL = colony forming units per 100 milliliters

mg/L = milligrams per liter

## II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011096001, Effluent Limitations and Monitoring Requirements No. 1.
3. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the 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 \$12,200 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid the \$12,200 penalty.

### III. ORDERING PROVISIONS

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

1. The Respondent is assessed a 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 the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: SUBLIGHT ENTERPRISES, Inc., Docket No. 2020-1487-MWD-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall, within 130 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0011096001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager  
Corpus Christi Regional Office  
Texas Commission on Environmental Quality  
6300 Ocean Drive, Suite 1200  
Corpus Christi, Texas 78412-5839

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 the Respondent. The 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. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
7. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
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, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. 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.

11. 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

  
\_\_\_\_\_  
For the Executive Director

\_\_\_\_\_  
5/18/2022  
\_\_\_\_\_  
Date

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

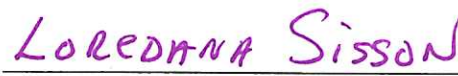
I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

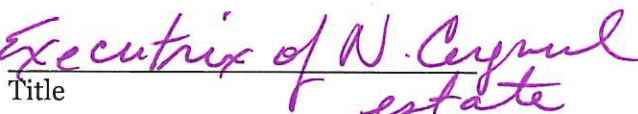
- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement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

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

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
SUBLIGHT ENTERPRISES, Inc.

  
\_\_\_\_\_  
Title

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