

Executive Summary – Enforcement Matter – Case No. 60247
Undine Texas Environmental, LLC
RN103637807
Docket No. 2021-0134-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:

No

Location(s) Where Violation(s) Occurred:

Laguna Harbor WWTF, located at 1329 29th Street near the community of Port Bolivar, Galveston, Galveston 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: September 17, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$14,737

Total Paid to General Revenue: \$14,737

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - High

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: October 29, 2020

Date(s) of NOE(s): December 15, 2020

**Executive Summary – Enforcement Matter – Case No. 60247
Undine Texas Environmental, LLC
RN103637807
Docket No. 2021-0134-MWD-E**

Violation Information

Failed to comply with permitted effluent limitations for ammonia nitrogen [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014452001, 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. WQ0014452001, 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: Ellen Ojeda, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-2581; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Edward Wallace, President, Undine Texas Environmental, LLC, 10913 Metronome Drive, Houston, Texas 77043

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	4-Jan-2021			
	PCW	20-Jan-2021	Screening	7-Jan-2021	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	Undine Texas Environmental, LLC
Reg. Ent. Ref. No.	RN103637807
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	60247	No. of Violations	2
Docket No.	2021-0134-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Ellen Ojeda
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$11,250
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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	31.0%	Adjustment	Subtotals 2, 3, & 7	\$3,487
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Notes: Enhancement for six self-reported effluent violations and one NOV with the same/similar violations. Reduction for a Notice of Intent to conduct an environmental audit.

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: \$402
 Estimated Cost of Compliance: \$5,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$14,737
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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	\$14,737
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$14,737
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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	\$14,737
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Screening Date 7-Jan-2021

Docket No. 2021-0134-MWD-E

PCW

Respondent Undine Texas Environmental, LLC

Policy Revision 4 (April 2014)

Case ID No. 60247

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103637807

Media Water Quality

Enf. Coordinator Ellen Ojeda

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	6	30%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	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) 31%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for six self-reported effluent violations and one NOV with the same/similar violations. Reduction for a Notice of Intent to conduct an environmental audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 31%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 31%

Screening Date 7-Jan-2021

Docket No. 2021-0134-MWD-E

PCW

Respondent Undine Texas Environmental, LLC

Policy Revision 4 (April 2014)

Case ID No. 60247

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103637807

Media Water Quality

Enf. Coordinator Ellen Ojeda

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. WQ0014452001, 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			30.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amount of pollutants exceeded levels protective of human health and the environment. 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 \$17,500

\$7,500

Violation Events

Number of Violation Events 1 31 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended for the month of July 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 \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$402

Violation Final Penalty Total \$9,825

This violation Final Assessed Penalty (adjusted for limits) \$9,825

Economic Benefit Worksheet

Respondent Undine Texas Environmental, LLC
Case ID No. 60247
Reg. Ent. Reference No. RN103637807
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)	\$5,000	31-Jul-2020	10-Mar-2022	1.61	\$402	n/a	\$402

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and make any necessary repairs/adjustments to the Facility to return to compliance with the permitted effluent limitations. 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

\$5,000

TOTAL

\$402

Screening Date 7-Jan-2021

Docket No. 2021-0134-MWD-E

PCW

Respondent Undine Texas Environmental, LLC

Policy Revision 4 (April 2014)

Case ID No. 60247

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103637807

Media Water Quality

Enf. Coordinator Ellen Ojeda

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0014452001, 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		15.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 31 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One monthly event is recommended for the month of August 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 \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$4,913

This violation Final Assessed Penalty (adjusted for limits) \$4,913

Economic Benefit Worksheet

Respondent Undine Texas Environmental, LLC
Case ID No. 60247
Reg. Ent. Reference No. RN103637807
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

See Economic Benefit for 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

Undine Texas Environmental, LLC
Docket No. 2021-0134-MWD-E
TPDES Permit No. WQ0014452001

Effluent Violation Table

Month/Year	Ammonia Nitrogen		
	Daily Average Concentration	Daily Average Loading	Single Grab Concentration
	Limit= 3 mg/L	Limit= 2.5 lbs/day	Limit= 15 mg/L
July 2020	13	10.1	18.9
August 2020	11.2	7	c

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

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Compliance History Report

Compliance History Report for CN604519330, RN103637807, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN604519330, Undine Texas Environmental, LLC **Classification:** SATISFACTORY **Rating:** 2.86
Regulated Entity: RN103637807, LAGUNA HARBOR WWTP **Classification:** HIGH **Rating:** 0.00
Complexity Points: 5 **Repeat Violator:** NO
CH Group: 08 - Sewage Treatment Facilities
Location: 1329 29th Street, near the community of Port Bolivar, in Galveston, Galveston County, Texas
TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

WASTEWATER PERMIT WQ0014452001 **WASTEWATER EPA ID** TX0125776

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

Date Compliance History Report Prepared: May 25, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 25, 2016 to May 25, 2021

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

Name: Ellen Ojeda

Phone: (512) 239-2581

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? YES
- 3) Who is the current owner/operator? Undine Texas Environmental, LLC OWNER since 6/25/2020
- 4) Who was/were the prior owner(s)/operator(s)? Bolivar Utility Services, L.L.C., OWNER, 5/26/2003 to 6/24/2020

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	June 15, 2016	(1354137)
Item 2	July 12, 2016	(1361134)
Item 3	September 19, 2016	(1374310)
Item 4	September 27, 2016	(1367559)
Item 5	October 17, 2016	(1380438)
Item 6	November 07, 2016	(1386404)
Item 7	December 19, 2016	(1392527)
Item 8	January 16, 2017	(1399145)
Item 9	February 07, 2017	(1406048)
Item 10	March 14, 2017	(1413146)

Item 11	April 11, 2017	(1419624)
Item 12	June 13, 2017	(1433258)
Item 13	July 18, 2017	(1441838)
Item 14	September 18, 2017	(1452091)
Item 15	September 28, 2017	(1445505)
Item 16	October 16, 2017	(1457967)
Item 17	November 14, 2017	(1463397)
Item 18	December 19, 2017	(1469822)
Item 19	January 18, 2018	(1476530)
Item 20	February 19, 2018	(1488695)
Item 21	March 12, 2018	(1492361)
Item 22	April 17, 2018	(1495659)
Item 23	May 07, 2018	(1502602)
Item 24	June 18, 2018	(1509707)
Item 25	July 20, 2018	(1516024)
Item 26	September 19, 2018	(1529267)
Item 27	September 28, 2018	(1522064)
Item 28	October 18, 2018	(1535571)
Item 29	November 09, 2018	(1524048)
Item 30	November 20, 2018	(1543446)
Item 31	December 18, 2018	(1547152)
Item 32	January 07, 2019	(1565652)
Item 33	February 19, 2019	(1565650)
Item 34	March 20, 2019	(1565651)
Item 35	April 22, 2019	(1573797)
Item 36	May 15, 2019	(1587186)
Item 37	June 19, 2019	(1587187)
Item 38	July 19, 2019	(1595171)
Item 39	September 18, 2019	(1608342)
Item 40	September 30, 2019	(1601436)
Item 41	October 19, 2019	(1615217)
Item 42	November 20, 2019	(1621020)
Item 43	December 20, 2019	(1628358)
Item 44	January 21, 2020	(1635981)
Item 45	February 21, 2020	(1642603)
Item 46	March 20, 2020	(1649104)
Item 47	April 20, 2020	(1655470)
Item 48	May 21, 2020	(1662017)
Item 49	June 22, 2020	(1668557)
Item 50	October 21, 2020	(1695213)

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: 06/30/2020 (1675509)
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: 07/31/2020 (1682284)
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: 08/31/2020 (1688844)
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: 09/15/2020 (1664860)
 Self Report? NO Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(4)
 WQ0014452001 PERMIT
 Description: Failed to prevent the unauthorized discharge (UD) of wastewater.
- 5 Date: 10/31/2020 (1718239)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
- 6 Date: 11/30/2020 (1718240)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
- 7 Date: 12/31/2020 (1718241)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits:

Notice of Intent Date: 07/15/2020 (1671164)
 No DOV Associated

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

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

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

Appendix B

All Investigations Conducted During Component Period May 25, 2016 and May 25, 2021

		(1354137)	
Item 1*	June 15, 2016**	For Informational Purposes Only	
		(1361134)	
Item 2*	July 12, 2016**	For Informational Purposes Only	
		(1374310)	
Item 3*	September 19, 2016**	For Informational Purposes Only	
		(1367559)	
Item 4*	September 27, 2016**	For Informational Purposes Only	
		(1380438)	
Item 5*	October 17, 2016**	For Informational Purposes Only	
		(1386404)	
Item 6*	November 07, 2016**	For Informational Purposes Only	
		(1392527)	
Item 7*	December 19, 2016**	For Informational Purposes Only	
		(1399145)	
Item 8*	January 16, 2017**	For Informational Purposes Only	
		(1406048)	
Item 9*	February 07, 2017**	For Informational Purposes Only	
		(1413146)	
Item 10*	March 14, 2017**	For Informational Purposes Only	
		(1419624)	
Item 11*	April 11, 2017**	For Informational Purposes Only	
		(1427269)	
Item 12	May 16, 2017**	For Informational Purposes Only	
		(1433258)	
Item 13*	June 13, 2017**	For Informational Purposes Only	
		(1441838)	
Item 14*	July 18, 2017**	For Informational Purposes Only	
		(1452091)	
Item 15*	September 18, 2017**	For Informational Purposes Only	
		(1445505)	
Item 16*	September 28, 2017**	For Informational Purposes Only	
		(1457967)	
Item 17*	October 16, 2017**	For Informational Purposes Only	

(1463397)
Item 18* November 14, 2017** For Informational Purposes Only
(1469822)
Item 19* December 19, 2017** For Informational Purposes Only
(1476530)
Item 20* January 18, 2018** For Informational Purposes Only
(1488695)
Item 21* February 19, 2018** For Informational Purposes Only
(1492361)
Item 22* March 12, 2018** For Informational Purposes Only
(1495659)
Item 23* April 17, 2018** For Informational Purposes Only
(1502602)
Item 24* May 07, 2018** For Informational Purposes Only
(1509707)
Item 25* June 18, 2018** For Informational Purposes Only
(1516024)
Item 26* July 20, 2018** For Informational Purposes Only
(1529267)
Item 27* September 19, 2018** For Informational Purposes Only
(1522064)
Item 28* September 28, 2018** For Informational Purposes Only
(1535571)
Item 29* October 18, 2018** For Informational Purposes Only
(1524048)
Item 30* November 09, 2018** For Informational Purposes Only
(1543446)
Item 31* November 20, 2018** For Informational Purposes Only
(1547152)
Item 32* December 18, 2018** For Informational Purposes Only
(1565652)
Item 33* January 07, 2019** For Informational Purposes Only
(1565650)
Item 34* February 19, 2019** For Informational Purposes Only
(1565651)
Item 35* March 20, 2019** For Informational Purposes Only
(1573797)
Item 36* April 22, 2019** For Informational Purposes Only
(1587186)
Item 37* May 15, 2019** For Informational Purposes Only
(1587187)
Item 38* June 19, 2019** For Informational Purposes Only
(1595171)

Item 39*	July 19, 2019**	For Informational Purposes Only (1608342)
Item 40*	September 18, 2019**	For Informational Purposes Only (1601436)
Item 41*	September 30, 2019**	For Informational Purposes Only (1615217)
Item 42*	October 19, 2019**	For Informational Purposes Only (1621020)
Item 43*	November 20, 2019**	For Informational Purposes Only (1628358)
Item 44*	December 20, 2019**	For Informational Purposes Only (1635981)
Item 45*	January 21, 2020**	For Informational Purposes Only (1642603)
Item 46*	February 21, 2020**	For Informational Purposes Only (1649104)
Item 47*	March 20, 2020**	For Informational Purposes Only (1655470)
Item 48*	April 20, 2020**	For Informational Purposes Only (1662017)
Item 49*	May 21, 2020**	For Informational Purposes Only (1668557)
Item 50*	June 22, 2020**	For Informational Purposes Only (1675509)
Item 51	July 21, 2020**	For Informational Purposes Only (1682284)
Item 52	August 24, 2020**	For Informational Purposes Only (1688844)
Item 53	September 28, 2020	For Informational Purposes Only (1695213)
Item 54*	October 21, 2020	For Informational Purposes Only (1718239)
Item 55	November 27, 2020	For Informational Purposes Only (1718240)
Item 56	December 20, 2020	For Informational Purposes Only (1685765)
Item 57	December 22, 2020	For Informational Purposes Only (1718241)
Item 58	January 20, 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
UNDINE TEXAS
ENVIRONMENTAL, LLC
RN103637807**

**§
§
§
§
§**

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2021-0134-MWD-E**

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Undine Texas Environmental, LLC (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 they have 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 1329 29th Street, near the community of Port Bolivar, Galveston, Galveston 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 October 29, 2020, an investigator documented that the Respondent did not comply with permitted effluent limitations, as shown in the effluent violation table below:

Effluent Violation Table			
Month/Year	Ammonia Nitrogen		
	Daily Average Concentration	Daily Average Loading	Single Grab Concentration
	Limit= 3 mg/L	Limit= 2.5 lbs/day	Limit= 15 mg/L
July 2020	13	10.1	18.9
August 2020	11.2	7	c

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

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, 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. WQ0014452001, 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 \$14,737 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 \$14,737 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: Undine Texas Environmental, LLC, Docket No. 2021-0134-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. Within 130 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0014452001, 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
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

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.
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

3/16/2022

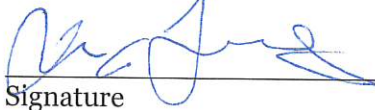
Date

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

July 23, 2021

Date

William A. Thomas

Name (Printed or typed)
Authorized Representative of
Undine Texas Environmental, LLC

Sr. Vice President

Title

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

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.