

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 60356  
ABRAXAS CORPORATION  
RN101521391  
Docket No. 2021-0206-MWD-E

Page 1 of 2

**Order Type:**  
Agreed Order

**Media:**  
MWD

**Small Business:**  
N/A

**Location Where Violation Occurred:**  
3301 Cattlebaron Road, Parker County

**Type of Operation:**  
wastewater treatment facility

**Other Significant Matters:**  
Additional Pending Enforcement Actions: Yes, 2019-1778-PWS-E  
Past-Due Penalties: None  
Past-Due Fees: \$1,384.76  
Other: None  
Interested Third-Parties: None

**Texas Register Publication Date:** November 29, 2024

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$40,395

**Deferred for Financial Inability to Pay:** \$39,195

Confidential information, which may include financial information, has been provided to the Commission for its consideration.

**Total Paid to General Revenue:** \$100

**Total Due to General Revenue:** \$1,100

Payment Plan: 11 payments of \$100 each

**Compliance History Classifications:**

Person/CN – Satisfactory  
Site/RN – Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** April 2014

**Investigation Information**

**Complaint Date:** December 30, 2020  
*Complaint Information:* Caller said a sewer blockage with the main line caused an overflow from residential clean out.

**Date of Investigation:** November 18, 2020

**Dates of NOVs:** May 31, 2020; June 30, 2020;  
July 31, 2020; August 31, 2020

**Date of NOE:** January 19, 2021

**ABRAXAS CORPORATION  
RN101521391  
Docket No. 2021-0206-MWD-E**

**Violation Information**

1. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal were properly operated and maintained [30 TEX. ADMIN. CODE §§ 217.33(c)(1)(B) and 305.125(1) and (5), and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0015010001, Operational Requirement No. 1].
2. Failed to report to the TCEQ in writing, any effluent violation which deviates from the permitted effluent limitation by more than 40% within five working days of becoming aware of the noncompliance [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0015010001, Monitoring and Reporting Requirements No. 7.c.].
3. Failed to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid Class C license or higher [30 TEX. ADMIN. CODE §§ 30.350(d) and 305.125(1), and TPDES Permit No. WQ0015010001, Other Requirements No. 1].
4. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal were properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0015010001, Operational Requirements No. 1].
5. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal were properly operated and maintained [30 TEX. ADMIN. CODE §§ 217.63(c) and 305.125(1) and (5), and TPDES Permit No. WQ0015010001, Operational Requirements No. 1].

**Corrective Actions/Technical Requirements**

**Corrective Action Completed:** Respondent no longer owns the Facility as of February 11, 2021.

**Technical Requirements:** None

**Litigation Information**

<b>Date Petition Filed:</b>	May 5, 2022
<b>Date of Service:</b>	unclaimed
<b>Date Answer Filed:</b>	July 19, 2022
<b>SOAH Referral Date:</b>	May 18, 2023
<b>Hearing Dates:</b>	
Preliminary hearing:	July 27, 2023
Proposed Evidentiary hearing:	January 18, 2024
<b>Settlement Date:</b>	September 25, 2024

**Contact Information**

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

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

**TCEQ Enforcement Coordinator:** Mistie Gonzales, Enforcement Division, (254) 761-3056

**TCEQ Regional Contact:** Erin Gorman, Dallas/Fort Worth Regional Office, (817) 588-5800

**Respondent Contact:** Evelyn Farhood, Director, ABRAXAS CORPORATION, 7921 Main Street, North Richland Hills, Texas 76182-4035

**Respondent's Attorney:** Grey Pierson, Senior Partner, Pierson Behr Attorneys, Email: [gp@piersonbehr.com](mailto:gp@piersonbehr.com)



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	19-Jan-2021	<b>Screening</b>	29-Jan-2021	<b>EPA Due</b>	
	<b>PCW</b>	8-Feb-2022				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	ABRAXAS CORPORATION				
<b>Reg. Ent. Ref. No.</b>	RN101521391				
<b>Facility/Site Region</b>	4-Dallas/Fort Worth		<b>Major/Minor Source</b>	Minor	

## CASE INFORMATION

<b>Enf./Case ID No.</b>	60356	<b>No. of Violations</b>	5
<b>Docket No.</b>	2021-0206-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Steven Van Landingham
		<b>EC's Team</b>	Enforcement Team 3
<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>	\$25,750
---	-------------------	----------

## 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>	33.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$8,497
---------------------------	-------	-------------------	--------------------------------	---------

<b>Notes</b>	Enhancement for four months of self-reported effluent violations and one default order.			
--------------	---	--	--	--

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

<b>Notes</b>	The Respondent does not meet the culpability criteria.				
--------------	--	--	--	--	--

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

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

Total EB Amounts	\$2,954	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$2,912	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$34,247
-----------------------------	-----------------------	----------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	18.0%	<b>Adjustment</b>	\$6,148
---	-------	-------------------	---------

Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	Recommended reduction so that the reporting violations do not overly impact the penalty (-\$6,650). Recommended enhancement to capture the avoided cost of compliance associated with the Violations (\$12,798).			
	<b>Final Penalty Amount</b>			
	\$40,395			

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$40,395
-----------------------------------	-------------------------------	----------

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

Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral not offered for non-expedited settlement.			
--------------	--	--	--	--

<b>PAYABLE PENALTY</b>	\$40,395
------------------------	----------

<b>Screening Date</b>	29-Jan-2021	<b>Docket No.</b>	2021-0206-MWD-E	<b>PCW</b>
<b>Respondent</b>	ABRAXAS CORPORATION			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	60356			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN101521391			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Steven Van Landingham			

### 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	4	8%
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)** 33%

#### >> 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 one default order.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 33%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 33%

<b>Screening Date</b>	29-Jan-2021	<b>Docket No.</b>	2021-0206-MWD-E	<b>PCW</b>	
<b>Respondent</b>	ABRAXAS CORPORATION				<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	60356				<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN101521391				
<b>Media</b>	Water Quality				
<b>Enf. Coordinator</b>	Steven Van Landingham				
<b>Violation Number</b>	1				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 217.33(c)(1)(B) and 305.125(1) and (5), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0015010001, Operational Requirements No. 1				
<b>Violation Description</b>	Failed to ensure the Facility and all of its systems of collection, treatment, and disposal were properly operated and maintained. Specifically, an effluent weir staff gauge was not installed.				
		<b>Base Penalty</b>	\$25,000		

  

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential			x	<b>Percent</b> 3.0%

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

Matrix Notes	Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.
--------------	---

**Adjustment** \$24,250

\$750

  

**Violation Events**

Number of Violation Events	1	72	Number of violation days
----------------------------	---	----	--------------------------

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$750

One single event is recommended.

  

**Good Faith Efforts to Comply**

	<b>0.0%</b>	
	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**

<b>Estimated EB Amount</b>	<b>Statutory Limit Test</b>
\$101	

**Violation Final Penalty Total** \$1,177

**This violation Final Assessed Penalty (adjusted for limits)** \$1,177

## Economic Benefit Worksheet

**Respondent** ABRAXAS CORPORATION  
**Case ID No.** 60356  
**Reg. Ent. Reference No.** RN101521391  
**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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### 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

### 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	\$100	18-Nov-2020	29-Jan-2021	0.20	\$1	\$100	\$101
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to install an effluent weir staff gauge. The Date Required is the investigation date and the Final Date is the screening date.

Approx. Cost of Compliance

\$100

**TOTAL**

\$101

<b>Screening Date</b> 29-Jan-2021 <b>Respondent</b> ABRAXAS CORPORATION <b>Case ID No.</b> 60356 <b>Reg. Ent. Reference No.</b> RN101521391 <b>Media</b> Water Quality <b>Enf. Coordinator</b> Steven Van Landingham	<b>Docket No.</b> 2021-0206-MWD-E	<b>PCW</b> <small>Policy Revision 4 (April 2014)          PCW Revision March 26, 2014</small>	
<b>Violation Number</b> <span style="border: 1px solid black; padding: 2px;">2</span>			
<b>Rule Cite(s)</b> <span style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0015010001, Monitoring and Reporting Requirements No. 7.c</span>			
<b>Violation Description</b> <span style="border: 1px solid black; padding: 5px;">Failed to report to the TCEQ in writing, any effluent violation which deviates from the permitted effluent limitation by more than 40% within five working days of becoming aware of noncompliance. Specifically, the Respondent did not provide noncompliance notifications for the exceedances during the monthly monitoring periods of February, May, June, July, and August 2020.</span>			
<b>Base Penalty</b>		\$25,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
OR	<b>Release</b>	<b>Harm</b>	
		Major      Moderate      Minor	
	Actual		
Potential		<b>Percent</b> <span style="border: 1px solid black; padding: 2px;">0.0%</span>	
<b>&gt;&gt; Programmatic Matrix</b>			
	Falsification      Major      Moderate      Minor		
		x	<b>Percent</b> <span style="border: 1px solid black; padding: 2px;">5.0%</span>
<b>Matrix Notes</b>	100% of the rule requirements were not met.		
<b>Adjustment</b>		\$23,750	
		\$1,250	
<b>Violation Events</b>			
Number of Violation Events <span style="border: 1px solid black; padding: 2px;">5</span>		<span style="border: 1px solid black; padding: 2px;">310</span> Number of violation days	
	daily weekly monthly quarterly semiannual annual single event		
	x		<b>Violation Base Penalty</b>
		\$6,250	
Five single events are recommended.			
<b>Good Faith Efforts to Comply</b>			
<b>0.0%</b>		<b>Reduction</b>	
		\$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.		
<b>Violation Subtotal</b>		\$6,250	
<b>Economic Benefit (EB) for this violation</b>			
<b>Statutory Limit Test</b>			
<b>Estimated EB Amount</b>	\$128	<b>Violation Final Penalty Total</b>	
		\$9,805	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$9,805	

## Economic Benefit Worksheet

**Respondent** ABRAXAS CORPORATION  
**Case ID No.** 60356  
**Reg. Ent. Reference No.** RN101521391  
**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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### 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

### 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	\$126	25-Sep-2020	29-Jan-2021	0.35	\$2	\$126	\$128
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to submit a non-compliance notification for the effluent exceedances that occurred during the monthly monitoring periods of February, May, June, July, and August 2020. The Date Required is the date the last noncompliance notification was due (the 25th day of the next month) and the Final date is the screening date.

Approx. Cost of Compliance

\$126

**TOTAL**

\$128



<b>Screening Date</b> 29-Jan-2021 <b>Respondent</b> ABRAXAS CORPORATION <b>Case ID No.</b> 60356 <b>Reg. Ent. Reference No.</b> RN101521391 <b>Media</b> Water Quality <b>Enf. Coordinator</b> Steven Van Landingham	<b>Docket No.</b> 2021-0206-MWD-E	<b>PCW</b> <i>Policy Revision 4 (April 2014)</i> <i>PCW Revision March 26, 2014</i>
---	-----------------------------------	---

  

<b>Violation Number</b>	3		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 30.350(d) and 305.125(1) and TPDES Permit No. WQ0015010001, Other Requirements No. 1		
<b>Violation Description</b>	Failed to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid Class C license or higher. Specifically, process control activities were conducted at the Facility since June 15, 2019, by persons not holding a valid Class C license or higher.		

  

<b>Base Penalty</b>	\$25,000
---------------------	----------

  

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	x	<input type="text"/>	<b>Percent</b> <input style="width: 50px;" type="text" value="5.0%"/>

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input style="width: 50px;" type="text" value="0.0%"/>

  

Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.
--------------	---

  

<b>Adjustment</b>	\$23,750
-------------------	----------

  

	\$1,250
--	---------

  

**Violation Events**

Number of Violation Events	7		594	Number of violation days
----------------------------	---	--	-----	--------------------------

  

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

  

<b>Violation Base Penalty</b>	\$8,750
-------------------------------	---------

  

Seven quarterly events are recommended from the June 15, 2019 expiration date of the operator's license to the January 29, 2021 screening date.
---

  

**Good Faith Efforts to Comply**

	<b>0.0%</b>		<b>Reduction</b>	\$0
	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	x	<input type="text"/>		
Notes	The Respondent does not meet the good faith criteria for this violation.			

  

<b>Violation Subtotal</b>	\$8,750
---------------------------	---------

  

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

<b>Estimated EB Amount</b>	\$201		<b>Violation Final Penalty Total</b>	\$13,727
----------------------------	-------	--	--------------------------------------	----------

  

<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$13,727
--	----------

## Economic Benefit Worksheet

**Respondent** ABRAXAS CORPORATION  
**Case ID No.** 60356  
**Reg. Ent. Reference No.** RN101521391  
**Media** Water Quality  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				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

### 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	\$186	15-Jun-2019	29-Jan-2021	1.63	\$15	\$186	\$201
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to ensure an operator obtains a valid Class C license or higher to operate the Facility. The Date Required is the date the operator license expired and the Final Date is the screening date.

Approx. Cost of Compliance

\$186

**TOTAL**

\$201

<b>Screening Date</b> 29-Jan-2021 <b>Respondent</b> ABRAXAS CORPORATION <b>Case ID No.</b> 60356 <b>Reg. Ent. Reference No.</b> RN101521391 <b>Media</b> Water Quality <b>Enf. Coordinator</b> Steven Van Landingham	<b>Docket No.</b> 2021-0206-MWD-E	<b>PCW</b> <i>Policy Revision 4 (April 2014)</i> <i>PCW Revision March 26, 2014</i>				
<b>Violation Number</b> <input style="width: 50px;" type="text" value="4"/>						
<b>Rule Cite(s)</b> <input style="width: 80%; height: 20px;" type="text" value="30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0015010001, Operational Requirements No. 1"/>						
<b>Violation Description</b> <input style="width: 80%; height: 60px;" type="text" value="Failed to ensure the Facility and all of its systems of collection, treatment, and disposal were properly operated and maintained. Specifically, a rake head was used as a bar screen, large openings were noted on the intruder-resistant fence and gate, the treatment units had significant corrosion, the screenings container and sludge dumpster were uncovered, and excessive vegetation was observed in the active drying beds and in the sludge dumpster."/>						
<b>Base Penalty</b>		<input style="width: 100px;" type="text" value="\$25,000"/>				
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>						
<b>OR</b>	<b>Release</b>	<b>Harm</b>				
		Major      Moderate      Minor				
	Actual Potential	<input style="width: 50px;" type="text"/> <input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/> <input style="width: 50px;" type="text" value="x"/>	<input style="width: 50px;" type="text"/> <input style="width: 50px;" type="text"/>	<b>Percent</b>	<input style="width: 50px;" type="text" value="5.0%"/>
<b>&gt;&gt; Programmatic Matrix</b>						
	Falsification	Major	Moderate	Minor		
	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<b>Percent</b>	<input style="width: 50px;" type="text" value="0.0%"/>
Matrix Notes	<input style="width: 100%; height: 100%;" type="text" value="Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation."/>					
<b>Adjustment</b>					<input style="width: 100px;" type="text" value="\$23,750"/>	
					<input style="width: 100px;" type="text" value="\$1,250"/>	
<b>Violation Events</b>						
Number of Violation Events		<input style="width: 50px;" type="text" value="7"/>	<input style="width: 50px;" type="text" value="72"/>		Number of violation days	
	daily weekly monthly quarterly semiannual annual single event	<input style="width: 50px;" type="text"/> <input style="width: 50px;" type="text"/> <input style="width: 50px;" type="text"/> <input style="width: 50px;" type="text" value="x"/> <input style="width: 50px;" type="text"/> <input style="width: 50px;" type="text"/> <input style="width: 50px;" type="text"/>	<b>Violation Base Penalty</b>			<input style="width: 100px;" type="text" value="\$8,750"/>
<input style="width: 100%; height: 100%;" type="text" value="Seven quarterly events are recommended (one quarterly event per issue) from the November 18, 2020 investigation date to the January 29, 2021 screening date."/>						
<b>Good Faith Efforts to Comply</b>		<input style="width: 50px;" type="text" value="0.0%"/>	<b>Reduction</b>		<input style="width: 100px;" type="text" value="\$0"/>	
	Extraordinary Ordinary N/A	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	<input style="width: 50px;" type="text"/> <input style="width: 50px;" type="text"/> <input style="width: 50px;" type="text" value="x"/>			
	Notes	<input style="width: 100%; height: 100%;" type="text" value="The Respondent does not meet the good faith criteria for this violation."/>				
<b>Violation Subtotal</b>					<input style="width: 100px;" type="text" value="\$8,750"/>	
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>			
<b>Estimated EB Amount</b>		<input style="width: 100px;" type="text" value="\$9,844"/>	<b>Violation Final Penalty Total</b>		<input style="width: 100px;" type="text" value="\$13,727"/>	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>					<input style="width: 100px;" type="text" value="\$13,727"/>	

# Economic Benefit Worksheet

**Respondent** ABRAXAS CORPORATION  
**Case ID No.** 60356  
**Reg. Ent. Reference No.** RN101521391  
**Media** Water Quality  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

## Avoided Costs

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

Repairs	\$2,500	18-Nov-2020	29-Jan-2021	0.20	\$24	\$2,500	\$2,524
Supplies/Equipment	\$250	18-Nov-2020	29-Jan-2021	0.20	\$2	\$250	\$252
Disposal	\$1,000	18-Nov-2020	29-Jan-2021	0.20	\$10	\$1,000	\$1,010
Supplies/Equipment	\$1,000	18-Nov-2020	29-Jan-2021	0.20	\$10	\$1,000	\$1,010
Facility	\$5,000	18-Nov-2020	29-Jan-2021	0.20	\$48	\$5,000	\$5,048
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided Repairs cost to remove excessive corrosion from the treatment units. The Date Required is the investigation date and the Final Date is the screening date.

Estimated avoided Supplies/Equipment cost to install a bar screen. The Date Required is the investigation date and the Final Date is the screening date.

Estimated avoided Disposal cost to remove and properly dispose of vegetation in the active drying beds and the sludge dumpster. The Date Required is the investigation date and the Final Date is the screening date.

Estimated avoided Supplies/Equipment cost to install covers for the screenings container and the sludge dumpster. The Date Required is the investigation date and the Final Date is the screening date.

Estimated avoided Facility cost to repair the fence and gate to prevent intruders. The Date Required is the investigation date and the Final Date is the screening date.

Approx. Cost of Compliance

\$9,750

**TOTAL**

\$9,844

<b>Screening Date</b>	29-Jan-2021	<b>Docket No.</b>	2021-0206-MWD-E	<b>PCW</b>	
<b>Respondent</b>	ABRAXAS CORPORATION				<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	60356				<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN101521391				
<b>Media</b>	Water Quality				
<b>Enf. Coordinator</b>	Steven Van Landingham				
<b>Violation Number</b>	5				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 217.63(c) and 305.125(1) and (5) and TPDES Permit No. WQ0015010001, Operational Requirements No. 1				
<b>Violation Description</b>	Failed to ensure the Facility and all of its systems of collection, treatment, and disposal were properly operated and maintained. Specifically, the Oakdale Lift Station did not have an alarm system.				
		<b>Base Penalty</b>	\$25,000		

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential		x		<b>Percent</b> 5.0%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants that would 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	1		72	Number of violation days
----------------------------	---	--	----	--------------------------

	daily		
	weekly		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		

**Violation Base Penalty** \$1,250

One quarterly event is recommended from the November 18, 2020 investigation date to the January 29, 2021 screening date.

**Good Faith Efforts to Comply**

	<b>0.0%</b>		
	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** \$1,250

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

<b>Estimated EB Amount</b>	\$2,524	<b>Violation Final Penalty Total</b>	\$1,961

**This violation Final Assessed Penalty (adjusted for limits)** \$1,961

## Economic Benefit Worksheet

**Respondent** ABRAXAS CORPORATION  
**Case ID No.** 60356  
**Reg. Ent. Reference No.** RN101521391  
**Media** Water Quality  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

### Avoided Costs

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

Repairs				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Disposal				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Equipment	\$2,500	18-Nov-2020	29-Jan-2021	0.20	\$24	\$2,500	\$2,524

Notes for AVOIDED costs

Estimated avoided Equipment cost to install an alarm system at the Oakdale Lift Station. The Date Required is the investigation date and the Final Date is the screening date.

Approx. Cost of Compliance

\$2,500

**TOTAL**

\$2,524



# Compliance History Report

Compliance History Report for CN600702567, RN101521391, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

**Customer, Respondent, or Owner/Operator:** CN600702567, ABRAXAS CORPORATION **Classification:** SATISFACTORY **Rating:** 28.63

**Regulated Entity:** RN101521391, Abraxas Wastewater Treatment Facility **Classification:** SATISFACTORY **Rating:** 28.63

**Complexity Points:** 10 **Repeat Violator:** NO

**CH Group:** 08 - Sewage Treatment Facilities

**Location:** 3301 Cattlebaron Road, Parker County, Texas

**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):**

**WASTEWATER PERMIT** WQ0015010001

**WASTEWATER EPA ID** TX0133116

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

**Date Compliance History Report Prepared:** March 12, 2021

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** March 12, 2016 to March 12, 2021

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

**Name:** Steven Van Landingham

**Phone:** (512) 239-5717

**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: 09/07/2018 ADMINORDER 2017-0233-MWD-E (Findings Order-Default)

Classification: Moderate

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

30 TAC Chapter 312, SubChapter B 312.48

Rqmt Prov: Sludge Provisions, Section III, G PERMIT

Description: Failed to submit the annual sludge report.

Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(17)

30 TAC Chapter 319, SubChapter A 319.7(d)

Rqmt Prov: Monitoring and Reporting Requirements PERMIT

Description: Failed to submit effluent monitoring results at the intervals specified in the permit.

Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: Effluent Limitations and Monitoring 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

Citation: 30 TAC Chapter 217, SubChapter A 217.6(d)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Other Permit Requirements No. 7 PERMIT

Description: Failed to submit a summary transmittal letter within 60 days of permit issuance.

Classification: Moderate

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

Rqmt Prov: Other Permit Requirements, No. 9 PERMIT

Description: Failed to submit a structural assessment of the Facility performed by a licensed Texas Professional Engineer within six months of permit issuance.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: Effluent Limitations and Monitoring PERMIT  
Description: Failed to comply with permitted effluent limitations.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	September 20, 2018	(1522333)	Item 9	March 19, 2019	(1566442)
Item 2	September 28, 2018	(1522332)	Item 10	April 21, 2019	(1587710)
Item 3	October 07, 2018	(1529522)	Item 11	April 22, 2019	(1574079)
Item 4	October 29, 2018	(1529537)	Item 12	September 03, 2019	(1595452)
Item 5	November 16, 2018	(1543710)	Item 13	November 28, 2019	(1615485)
Item 6	December 17, 2018	(1543707)	Item 14	February 19, 2020	(1636243)
Item 7	January 16, 2019	(1566443)	Item 15	May 01, 2020	(1655733)
Item 8	February 28, 2019	(1566441)	Item 16	May 20, 2020	(1662276)

**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: 05/31/2020 (1675768)		
	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: 06/30/2020 (1675769)		
	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: 07/31/2020 (1682562)		
	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: 08/31/2020 (1689109)		
	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:**

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



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT  
ACTION CONCERNING  
ABRAXAS CORPORATION;  
RN101521391

§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER

DOCKET NO. 2021-0206-MWD-E

### I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ABRAXAS CORPORATION ("Respondent") under the authority of TEX. WATER CODE chs. 7, 26, and 37. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, represented by Grey Pierson of the law firm Pierson Behr together stipulate that:

1. Respondent owned and operated a wastewater treatment facility located at 3301 Cattlebaron Road, in Parker 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. The Executive Director and Respondent agree that TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE chs. 26 and 37 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$40,395 is assessed by the Commission in settlement of the violations alleged in Section II. The Revenue Operations Section of TCEQ's Financial Administration Division reviewed the financial documentation submitted by Respondent and determined that Respondent is unable to pay all or part of the penalty and qualifies for a deferral of all or part of the penalty under TEX. WATER CODE § 7.034. Therefore, \$39,195 of the penalty is deferred contingent upon Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions contained in this Order.
5. Respondent paid \$100 of the \$1,200 undeferred penalty. The remaining amount of \$1,100 of the undeferred penalty shall be paid in 11 monthly payments of \$100 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty amount.

6. The Executive Director and Respondent agree on a settlement of the matters addressed in this Order, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
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 Respondent has not complied with one or more of the terms or conditions contained in this Order.
8. 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.
9. This Order shall terminate five years from its effective date or upon full compliance with all the terms and conditions set forth in this Order, whichever is later.
10. The Executive Director recognizes that Respondent no longer owns the Facility as of February 11, 2021.

## II. ALLEGATIONS

1. During an investigation conducted on November 18, 2020, an investigator documented that Respondent:
  - a. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal were properly operated and maintained, in violation of 30 TEX. ADMIN. CODE §§ 217.33(c)(1)(B) and 305.125(1) and (5), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0015010001, Operational Requirement No. 1. Specifically, an effluent weir staff gauge was not installed;
  - b. Failed to report to the TCEQ in writing, any effluent violation which deviates from the permitted effluent limitation by more than 40% within five working days of becoming aware of the noncompliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0015010001, Monitoring and Reporting Requirements No. 7.c. Specifically, Respondent did not provide noncompliance notifications for the exceedances during the monthly monitoring periods of February, May, June, July, and August 2020;
  - c. Failed to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid Class C license or higher, in violation of 30 TEX. ADMIN. CODE §§ 30.350(d) and 305.125(1), and TPDES Permit No. WQ0015010001, Other Requirements No. 1. Specifically, process control activities were conducted at the Facility since June 15, 2019, by persons not having a valid Class C license or higher;
  - d. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal were properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0015010001, Operational Requirements No. 1. Specifically, a rake head was used as a bar screen, large openings were noted on the intruder-resistant fence and gate, the treatment units had significant corrosion, the screenings container and sludge dumpster were uncovered, and excessive vegetation was observed in the active drying beds and in the sludge dumpster; and
  - e. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal were properly operated and maintained, in violation of 30 TEX. ADMIN. CODE §§ 217.63(c) and 305.125(1) and (5), and TPDES Permit No. WQ0015010001, Operational Requirements No. 1. Specifically, the Oakdale Lift Station did not have an alarm system.

### III. DENIALS

Respondent generally denies each Allegation in Section II.

### IV. ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Section I, Paragraph 4. The payment of this penalty and Respondent's compliance with all of the requirements set forth in this Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here. Penalty payments shall be made payable to TCEQ and shall be sent with the notation "Re: ABRAXAS CORPORATION, Docket No. 2021-0206-MWD-E" to:  

Financial Administration Division  
Revenue Operations Section  
Texas Commission on Environmental Quality  
Attention: Cashier's Office, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088
2. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon Respondent.
4. 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.
5. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. This Order, issued by the Commission, shall not be admissible against 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 TCEQ's jurisdiction or of a rule adopted or an order or permit issued by the TCEQ under such a statute.
7. 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.

8. 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

December 10, 2024

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.



Signature

9-23-24

Date

Laura Forhood Warren

Name (Printed or typed)  
Authorized representative of  
ABRAXAS CORPORATION

General Manager

Title

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