

**Executive Summary – Enforcement Matter – Case No. 60596**

**Aqua Texas, Inc.**

**RN101525715**

**Docket No. 2021-0476-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

No

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

Lakeside Utility, located at Haynie Flat Road, approximately two miles north of the intersection of State Highway 71 and Haynie Road, Travis County

**Type of Operation:**

Wastewater treatment facility and disposal site

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

**Texas Register Publication Date:** January 28, 2022

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$41,812

**Amount Deferred for Expedited Settlement:** \$8,362

**Total Paid to General Revenue:** \$33,450

**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

**Executive Summary – Enforcement Matter – Case No. 60596**  
**Aqua Texas, Inc.**  
**RN101525715**  
**Docket No. 2021-0476-MWD-E**

***Investigation Information***

**Complaint Date(s):** October 15, 2020 and October 23, 2020

**Complaint Information:** Alleged inadequate freeboard in the effluent storage pond, unpleasant odor from the effluent storage pond and disposal area, inadequate capacity of the WWTP, substantial run-off from land application area, inadequate land application for effluent, unauthorized discharge of effluent from the WWTP's effluent storage pond, and potential collapse of one of the WWTP's effluent storage pond's retaining walls.

**Date(s) of Investigation:** October 26, 2020 through November 30, 2020

**Date(s) of NOE(s):** March 9, 2021

***Violation Information***

1. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, corrosion was observed on both sides of the aeration basin and on the clarifier's effluent weirs [30 TEX. ADMIN. CODE § 305.125(1) and (5), and TCEQ Permit No. WQ0013477001, Operational Requirements No. 1].
2. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, one of the two aerators in the effluent storage pond was not operational, tears were observed in the effluent storage pond liner, and a broken effluent irrigation nozzle was observed in the effluent application area [30 TEX. ADMIN. CODE § 305.125(1) and (5), and TCEQ Permit No. WQ0013477001, Operational Requirements No. 1 and Special Provisions No. 16].
3. Failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state. Specifically, evidences of discharges were observed from the aeration basin and digester nos. 1 and 2 [30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(1), and TCEQ Permit No. WQ0013477001, Permit Conditions No. 2.g].
4. Failed to design and manage the irrigation area to prevent ponding or surfacing of effluent or contamination of ground and surface waters and to prevent nuisance conditions. Specifically, multiple areas of effluent ponding were observed within the effluent application area (Barton Creek Lakeside Golf Course's driving range) [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TCEQ Permit No. WQ0013477001, Special Provisions No. 4].
5. Failed to maintain a minimum freeboard of two feet in the storage pond and failed to prevent an unauthorized discharge of treated wastewater into or adjacent to any water in the state. Specifically, two feet of freeboard was not maintained in the effluent

**Executive Summary – Enforcement Matter – Case No. 60596**

**Aqua Texas, Inc.**

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**Docket No. 2021-0476-MWD-E**

storage pond and treated wastewater was at, or flowing over the edge of the pond at six different points and an unauthorized discharge of approximately 1,500 gallons discharged from the effluent storage pond into a ditch on November 4, 2020 [30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(2), and TCEQ Permit No. WQ0013477001, Operational Requirements No. 1, Special Provisions No. 7, and Permit Conditions 2.g].

6. Failed to monitor chlorine residual in the effluent at the point of irrigation application. Specifically, the Respondent was not verifying total chlorine residual by taking effluent samples at the point of irrigation after being held in the effluent storage pond [30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(2), and TCEQ Permit No. WQ0013477001, Effluent Limitations and Monitoring Requirements A and Special Provision No. 11].

7. Failed to prevent an unauthorized discharge of treated wastewater into any water in the state. Specifically, approximately 1,000 gallons of treated wastewater discharged from irrigation pipes in the effluent application area and discharged onto an adjacent property [30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(2), and TCEQ Permit No. WQ0013477001, Permit Conditions 2.g].

8. Failed to report an unauthorized discharge in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance. Specifically, an unauthorized discharge was observed on October 26, 2020 and a noncompliance notification was not received until November 19, 2020 [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0013477001, Monitoring Requirements No. 7.a].

9. Failed to install permanent transmission lines from the holding pond to each tract of land to be irrigated [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0013477001, Special Provisions No. 15].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent submitted a written noncompliance notification on November 19, 2020.

**Technical Requirements:**

The Order will require the Respondent to:

**Executive Summary – Enforcement Matter – Case No. 60596**

**Aqua Texas, Inc.**

**RN101525715**

**Docket No. 2021-0476-MWD-E**

a. Within 30 days:

- i. Replace the broken effluent irrigation nozzle;
- ii. Remove and properly clean up the discharges around the aeration basin and digester nos. 1 and 2;
- iii. Develop and implement procedures to maintain two feet of freeboard in the effluent storage pond to prevent unauthorized discharges;
- iv. Develop and implement procedures to take effluent samples at the point of irrigation to verify total chlorine residual; and
- v. Repair the irrigation pipes in the effluent application area to cease unauthorized discharges.

b. Within 45 days, submit written certification of compliance with a.

c. Within 60 days:

- i. Repair/replace the aerator in the effluent storage pond;
- ii. Repair the tears in the effluent storage pond liner and conduct an evaluation of the Facility by a Texas Licensed Professional Engineer in order to meet the requirements of the liner certification; and
- iii. Modify and manage the irrigation area to prevent the ponding of effluent.

d. Within 75 days, submit written certification of compliance with c.

e. Within 90 days, install permanent transmission lines from the holding pond to each tract of land to be irrigated.

f. Within 105 days, submit written certification of compliance with e.

g. Within 180 days, construct and put into operation the new wastewater treatment facility.

h. Within 195 days, submit written certification to demonstrate compliance with g.

**Executive Summary – Enforcement Matter – Case No. 60596**  
**Aqua Texas, Inc.**  
**RN101525715**  
**Docket No. 2021-0476-MWD-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Steven Van Landingham, Enforcement Division, Enforcement Team 3, MC 219, (512) 239-5717; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Robert Laughman, President, Aqua Texas, Inc., 1106 Clayton Lane, Suite 400W, Austin, Texas 78723

**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>	15-Mar-2021			
	<b>PCW</b>	17-May-2021	<b>Screening</b>	25-Mar-2021	<b>EPA Due</b>

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Aqua Texas, Inc.				
<b>Reg. Ent. Ref. No.</b>	RN101525715				
<b>Facility/Site Region</b>	11-Austin	<b>Major/Minor Source</b>	Minor		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	60596	<b>No. of Violations</b>	9
<b>Docket No.</b>	2021-0476-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>	\$27,875
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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>0.0%</b>	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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Notes	No adjustment for Compliance History.			
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<b>Culpability</b>	No	<b>0.0%</b>	Enhancement	<b>Subtotal 4</b>	\$0
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Notes	The Respondent does not meet the culpability criteria.			
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$156
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<b>Economic Benefit</b>	<b>50.0%</b>	Enhancement*	<b>Subtotal 6</b>	\$13,938
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Total EB Amounts	\$182,191	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$1,537,977	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$41,657
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.4%</b>	Adjustment	\$155
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Recommended enhancement to capture the avoided cost of compliance associated with Violation No. 6.		
	<b>Final Penalty Amount</b>	\$41,812	

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$41,812
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<b>DEFERRAL</b>	<b>20.0%</b>	Reduction	Adjustment	-\$8,362
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.		
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<b>PAYABLE PENALTY</b>	\$33,450
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Screening Date

25-Mar-2021

Docket No.

2021-0476-MWD-E

PCW

Respondent

Aqua Texas, Inc.

Case ID No.

60596

Reg. Ent. Reference No.

RN101525715

Media

Water Quality

Enf. Coordinator

Steven Van Landingham

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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)0%

>> Repeat Violator (Subtotal 3)

NoAdjustment Percentage (Subtotal 3)0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory PerformerAdjustment Percentage (Subtotal 7)0%

>> Compliance History Summary

Compliance History Notes

No adjustment for Compliance History.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)0%

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100%0%

<b>Screening Date</b>	25-Mar-2021	<b>Docket No.</b>	2021-0476-MWD-E	<b>PCW</b>
<b>Respondent</b>	Aqua Texas, Inc.			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	60596			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN101525715			
<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 § 305.125(1) and (5), and TCEQ Permit No. WQ0013477001, Operational Requirements No. 1			
<b>Violation Description</b>	Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, corrosion was observed on both sides of the aeration basin and on the clarifier's effluent weirs.			
		<b>Base Penalty</b>	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	<b>Release</b>	<b>Harm</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.			
		<b>Adjustment</b>	\$23,750	
			\$1,250	
Violation Events				
	Number of Violation Events	4	150	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
		<b>Violation Base Penalty</b>	\$5,000	
	Four quarterly events are recommended (two quarterly events for each unit) from the October 26, 2020 investigation date to the March 25, 2021 screening date.			
<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>	\$5,000	
Economic Benefit (EB) for this violation				
	<b>Statutory Limit Test</b>			
<b>Estimated EB Amount</b>	\$178,356	<b>Violation Final Penalty Total</b>	\$7,528	
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$7,528		



Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Aqua Texas, Inc. 60596 RN101525715 Water Quality 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	\$1,500,000	26-Oct-2020	8-Jul-2022	1.70	\$8,493	\$169,863	\$178,356
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	Estimated cost to construct and put into operation a new wastewater treatment facility. The Date Required is the investigation date 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	\$1,500,000	TOTAL	\$178,356
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<b>Screening Date</b>	25-Mar-2021	<b>Docket No.</b>	2021-0476-MWD-E	<b>PCW</b>
<b>Respondent</b>	Aqua Texas, Inc.			Policy Revision 4 (April 2014)
<b>Case ID No.</b>	60596			PCW Revision March 26, 2014
<b>Reg. Ent. Reference No.</b>	RN101525715			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Steven Van Landingham			
<b>Violation Number</b>	2			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1) and (5), and TCEQ Permit No. WQ0013477001, Operational Requirements No. 1 and Special Provisions No. 16			
<b>Violation Description</b>	Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, one of the two aerators in the effluent storage pond was not operational, tears were observed in the effluent storage pond liner, and a broken effluent irrigation nozzle was observed in the effluent application area.			
		<b>Base Penalty</b>	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	<b>Release</b>	<b>Harm</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.			
		<b>Adjustment</b>	\$24,250	
			\$750	
Violation Events				
	Number of Violation Events	3	150	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
		Three single events are recommended.		
<b>Good Faith Efforts to Comply</b>	0.0%		<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>	\$2,250	
Economic Benefit (EB) for this violation				
	<b>Statutory Limit Test</b>			
<b>Estimated EB Amount</b>	\$1,010	<b>Violation Final Penalty Total</b>	\$3,388	
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$3,388		

# Economic Benefit Worksheet

**Respondent** Aqua Texas, Inc.  
**Case ID No.** 60596  
**Reg. Ent. Reference No.** RN101525715  
**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	\$500	26-Oct-2020	10-Mar-2022	1.37	\$2	\$46	\$48
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$10,000	26-Oct-2020	10-Mar-2022	1.37	\$46	\$913	\$959
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)	\$50	26-Oct-2020	8-Feb-2022	1.29	\$3	n/a	\$3

### Notes for DELAYED costs

Estimated Equipment cost to repair/replace the aerator in the effluent storage pond. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Estimated Engineering/Construction cost to repair the tears in the effluent storage pond liner and conduct an evaluation of the Facility by a Texas Licensed Professional Engineer in order to meet the requirements of the liner certification. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Estimated cost to replace the broken effluent irrigation nozzle. The Date Required is the investigation date 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	\$10,550	TOTAL	\$1,010
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<b>Screening Date</b>	25-Mar-2021	<b>Docket No.</b>	2021-0476-MWD-E	<b>PCW</b>
<b>Respondent</b>	Aqua Texas, Inc.			Policy Revision 4 (April 2014)
<b>Case ID No.</b>	60596			PCW Revision March 26, 2014
<b>Reg. Ent. Reference No.</b>	RN101525715			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Steven Van Landingham			
<b>Violation Number</b>	3			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1) and (5), Tex. Water Code § 26.121(a)(1), and TCEQ Permit No. WQ0013477001, Permit Conditions No. 2.g			
<b>Violation Description</b>	Failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state. Specifically, evidences of discharges were observed from the aeration basin and digester nos. 1 and 2.			
		<b>Base Penalty</b>	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	<b>Release</b>	<b>Harm</b>		
		Major Moderate Minor		
	Actual			x
	Potential			
		<b>Percent</b>	5.0%	
>> Programmatic Matrix				
	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
	<b>Percent</b>	0.0%		
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants as a result of the violation.			
	<b>Adjustment</b>	\$23,750		
		\$1,250		
Violation Events				
	Number of Violation Events	6	150	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
	<b>Violation Base Penalty</b>	\$7,500		
	Six quarterly events are recommended (two quarterly events for each unit) from the October 26, 2020 investigation date to the March 25, 2021 screening date.			
<b>Good Faith Efforts to Comply</b>	0.0%		<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>	\$7,500		
Economic Benefit (EB) for this violation				
	<b>Statutory Limit Test</b>			
<b>Estimated EB Amount</b>	\$16	<b>Violation Final Penalty Total</b>	\$11,292	
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$11,292		

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Aqua Texas, Inc. 60596 RN101525715 Water Quality 3

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	\$250	26-Oct-2020	8-Feb-2022	1.29	\$16	n/a	\$16
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated Remediation/Disposal cost to remove and properly clean up the discharges around the aeration basin and digester nos. 1 and 2. The Date Required is the investigation date and the Final Date is the estimated date of compliance.  Economic Benefit 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	\$250	TOTAL	\$16
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<b>Screening Date</b> 25-Mar-2021 <b>Respondent</b> Aqua Texas, Inc. <b>Case ID No.</b> 60596 <b>Reg. Ent. Reference No.</b> RN101525715 <b>Media</b> Water Quality <b>Enf. Coordinator</b> Steven Van Landingham		<b>Docket No.</b> 2021-0476-MWD-E <b>PCW</b>																		
		<i>Policy Revision 4 (April 2014)</i> <i>PCW Revision March 26, 2014</i>																		
<b>Violation Number</b> 4																				
<b>Rule Cite(s)</b> 30 Tex. Admin. Code § 305.125(1) and (5) and TCEQ Permit No. WQ0013477001, Special Provisions No. 4																				
<b>Violation Description</b> Failed to design and manage the irrigation area to prevent ponding or surfacing of effluent or contamination of ground and surface waters and to prevent nuisance conditions. Specifically, multiple areas of effluent ponding were observed within the effluent application area (Barton Creek Lakeside Golf Course's driving range).																				
		<b>Base Penalty</b>	\$25,000																	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																				
OR	<table border="1"> <tr> <td></td> <th colspan="3">Harm</th> </tr> <tr> <td><b>Release</b></td> <td>Major</td> <td>Moderate</td> <td>Minor</td> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Potential</td> <td></td> <td>x</td> <td></td> </tr> </table>				Harm			<b>Release</b>	Major	Moderate	Minor	Actual				Potential		x		<b>Percent</b> 5.0%
		Harm																		
<b>Release</b>	Major	Moderate	Minor																	
Actual																				
Potential		x																		
<b>&gt;&gt; Programmatic Matrix</b>																				
	<table border="1"> <tr> <td></td> <td>Falsification</td> <td>Major</td> <td>Moderate</td> <td>Minor</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>				Falsification	Major	Moderate	Minor						<b>Percent</b> 0.0%						
	Falsification	Major	Moderate	Minor																
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																
<b>Violation Events</b>																				
Number of Violation Events		2	150	Number of violation days																
	<table border="1"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td>x</td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		weekly		monthly		quarterly	x	semiannual		annual		single event		<b>Violation Base Penalty</b> \$2,500				
daily																				
weekly																				
monthly																				
quarterly	x																			
semiannual																				
annual																				
single event																				
Two quarterly events are recommended from the October 26, 2020 investigation date to the March 25, 2021 screening date.																				
<b>Good Faith Efforts to Comply</b>		0.0%	Reduction	\$0																
	<table border="1"> <tr> <td></td> <td>Before NOE/NOV</td> <td>NOE/NOV to EDRP/Settlement Offer</td> </tr> <tr> <td>Extraordinary</td> <td></td> <td></td> </tr> <tr> <td>Ordinary</td> <td></td> <td></td> </tr> <tr> <td>N/A</td> <td>x</td> <td></td> </tr> </table>		Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer	Extraordinary			Ordinary			N/A	x								
	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer																		
Extraordinary																				
Ordinary																				
N/A	x																			
Notes	The Respondent does not meet the good faith criteria for this violation.																			
			<b>Violation Subtotal</b>	\$2,500																
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>																	
<b>Estimated EB Amount</b>		\$480	<b>Violation Final Penalty Total</b>	\$3,764																
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<b>\$3,764</b>																	

# Economic Benefit Worksheet

**Respondent** Aqua Texas, Inc.  
**Case ID No.** 60596  
**Reg. Ent. Reference No.** RN101525715  
**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
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## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$5,000	26-Oct-2020	10-Mar-2022	1.37	\$23	\$457	\$480
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	Estimated Engineering/Construction cost to design and manage the irrigation area to prevent the ponding of effluent. The Date Required is the investigation date and the Final Date is the estimated compliance date.						

## 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	\$480
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<b>Screening Date</b>	25-Mar-2021	<b>Docket No.</b>	2021-0476-MWD-E	<b>PCW</b>
<b>Respondent</b>	Aqua Texas, Inc.			Policy Revision 4 (April 2014)
<b>Case ID No.</b>	60596			PCW Revision March 26, 2014
<b>Reg. Ent. Reference No.</b>	RN101525715			
<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 § 305.125(1) and (5), Tex. Water Code § 26.121(a)(2), and TCEQ Permit No. WQ0013477001, Operational Requirements No. 1, Special Provisions No. 7, and Permit Conditions 2.g			
<b>Violation Description</b>	Failed to maintain a minimum freeboard of two feet in the storage pond and failed to prevent an unauthorized discharge of treated wastewater into or adjacent to any water in the state. Specifically, two feet of freeboard was not maintained in the effluent storage pond and treated wastewater was at, or flowing over the edge of the pond at six different points and an unauthorized discharge of approximately 1,500 gallons discharged from the effluent storage pond into a ditch on November 4, 2020.			
		<b>Base Penalty</b>	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR		<b>Release</b>	<b>Harm</b>	
		Major	Moderate	Minor
	Actual			X
	Potential			
			<b>Percent</b>	5.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
			<b>Percent</b>	0.0%
Matrix Notes	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.			
		<b>Adjustment</b>	\$23,750	
			\$1,250	
Violation Events				
	Number of Violation Events	2	150	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly	X		
	semiannual			
	annual			
	single event			
			<b>Violation Base Penalty</b>	\$2,500
	Two quarterly events are recommended from the October 26, 2020 investigation date to the March 25, 2021 screening date.			
<b>Good Faith Efforts to Comply</b>	0.0%		<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>	\$2,500	
Economic Benefit (EB) for this violation				
	<b>Statutory Limit Test</b>			
<b>Estimated EB Amount</b>	\$64	<b>Violation Final Penalty Total</b>	\$3,764	
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$3,764		



Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Aqua Texas, Inc. 60596 RN101525715 Water Quality 5

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	\$1,000	26-Oct-2020	8-Feb-2022	1.29	\$64	n/a	\$64
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	Estimated Training/Sampling cost to develop and implement procedures to maintain two feet of freeboard in the effluent storage pond to prevent unauthorized discharges. The Date Required is the investigation date 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	\$1,000	TOTAL	\$64
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<b>Screening Date</b>	25-Mar-2021	<b>Docket No.</b>	2021-0476-MWD-E	<b>PCW</b>
<b>Respondent</b>	Aqua Texas, Inc.	<i>Policy Revision 4 (April 2014)</i>		
<b>Case ID No.</b>	60596	<i>PCW Revision March 26, 2014</i>		
<b>Reg. Ent. Reference No.</b>	RN101525715			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Steven Van Landingham			
<b>Violation Number</b>	6			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1) and (5), Tex. Water Code § 26.121(a)(2), and TCEQ Permit No. WQ0013477001, Effluent Limitations and Monitoring Requirements A and Special Provision No. 11			
<b>Violation Description</b>	Failed to monitor chlorine residual in the effluent at the point of irrigation application. Specifically, the Respondent was not verifying total chlorine residual by taking effluent samples at the point of irrigation after being held in the effluent storage pond.			
<b>Base Penalty</b>				\$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		x	
				<b>Percent</b> 5.0%
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
				<b>Percent</b> 0.0%
<b>Matrix Notes</b>	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
<b>Violation Events</b>				
Number of Violation Events		2	183	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
<b>Violation Base Penalty</b>				\$2,500
Two quarterly events are recommended for the period of May 2020 through October 2020.				
<b>Good Faith Efforts to Comply</b>		0.0%	<b>Reduction</b> \$0	
	Before NOE/NOV NOE/NOV to EDP RP/Settlement Offer			
	Extraordinary			
	Ordinary			
	N/A	x		
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.			
<b>Violation Subtotal</b>				\$2,500
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		\$187	<b>Violation Final Penalty Total</b> \$3,764	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$3,764

# Economic Benefit Worksheet

**Respondent** Aqua Texas, Inc.  
**Case ID No.** 60596  
**Reg. Ent. Reference No.** RN101525715  
**Media** Water Quality  
**Violation No.** 6

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	\$500	26-Oct-2020	8-Feb-2022	1.29	\$32	n/a	\$32
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	Estimated Training/Sampling cost to develop and implement procedures to take effluent samples at the point of irrigation to verify total chlorine residual. The Date Required is the investigation date 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	\$152	31-Oct-2020	25-Mar-2021	0.40	\$3	\$152	\$155
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	Estimated avoided cost to take effluent samples at the point of irrigation to verify total chlorine residual. The Date Required is the final date samples were not collected and verified and the Final Date is the screening date.						

Approx. Cost of Compliance	\$652	TOTAL	\$187
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<b>Screening Date</b>	25-Mar-2021	<b>Docket No.</b>	2021-0476-MWD-E	<b>PCW</b>
<b>Respondent</b>	Aqua Texas, Inc.			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	60596			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN101525715			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Steven Van Landingham			
<b>Violation Number</b>	7			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1) and (5), Tex. Water Code § 26.121(a)(2), and TCEQ Permit No. WQ0013477001, Permit Conditions 2.g			
<b>Violation Description</b>	Failed to prevent an unauthorized discharge of treated wastewater into any water in the state. Specifically, approximately 1,000 gallons of treated wastewater discharged from irrigation pipes in the effluent application area and discharged onto an adjacent property.			
		<b>Base Penalty</b>	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR		<b>Release</b>	<b>Harm</b>	
		Major	Moderate	Minor
	Actual			x
	Potential			
				<b>Percent</b> 5.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
				<b>Percent</b> 0.0%
Matrix Notes	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.			
		<b>Adjustment</b>	\$23,750	
			\$1,250	
Violation Events				
	Number of Violation Events	2	150	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
				<b>Violation Base Penalty</b> \$2,500
	Two quarterly events are recommended from the October 26, 2020 investigation date to the March 25, 2021 screening date.			
<b>Good Faith Efforts to Comply</b>		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.		
		<b>Violation Subtotal</b>	\$2,500	
Economic Benefit (EB) for this violation				
	<b>Estimated EB Amount</b>	\$45	<b>Violation Final Penalty Total</b>	\$3,764
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$3,764

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Aqua Texas, Inc. 60596 RN101525715 Water Quality 7

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	\$500	26-Oct-2020	8-Feb-2022	1.29	\$2	\$43	\$45
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	Estimated Engineering/Construction cost to repair the irrigation pipes in the effluent application area to cease unauthorized discharges. The Date Required is the investigation date 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	\$500	TOTAL	\$45
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<b>Screening Date</b>	25-Mar-2021	<b>Docket No.</b>	2021-0476-MWD-E	<b>PCW</b>	
<b>Respondent</b>	Aqua Texas, Inc.			Policy Revision 4 (April 2014)	
<b>Case ID No.</b>	60596			PCW Revision March 26, 2014	
<b>Reg. Ent. Reference No.</b>	RN101525715				
<b>Media</b>	Water Quality				
<b>Enf. Coordinator</b>	Steven Van Landingham				
<b>Violation Number</b>	8				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0013477001, Monitoring Requirements No. 7.a				
<b>Violation Description</b>	Failed to report an unauthorized discharge in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance. Specifically, an unauthorized discharge was observed on October 26, 2020 and a noncompliance notification was not received until November 19, 2020.				
<b>Base Penalty</b>				\$25,000	
>> Environmental, Property and Human Health Matrix					
OR	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 0.0%
	Potential				
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
			x		<b>Percent</b> 2.5%
Matrix Notes	Between 30 and 70% of the rule requirement was not met.				
<b>Adjustment</b>				\$24,375	
					\$625
Violation Events					
Number of Violation Events		1	19	Number of violation days	
	daily			<b>Violation Base Penalty</b> \$625	
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			
One single event is recommended.					
<b>Good Faith Efforts to Comply</b>		25.0%	<b>Reduction</b>		\$156
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer			
	Extraordinary				
	Ordinary	x			
	N/A				
Notes	The Respondent achieved compliance on November 19, 2020.				
<b>Violation Subtotal</b>				\$469	
Economic Benefit (EB) for this violation					Statutory Limit Test
<b>Estimated EB Amount</b>		\$0	<b>Violation Final Penalty Total</b>		\$784
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$784	

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Aqua Texas, Inc. 60596 RN101525715 Water Quality 8

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	31-Oct-2020	19-Nov-2020	0.05	\$0	n/a	\$0
Notes for DELAYED costs	Estimated cost to notify the TCEQ of an unauthorized discharge in writing. The Date Required is the date the notification was due and the Final Date is the compliance date.						

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	TOTAL	\$0
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<b>Screening Date</b>	25-Mar-2021	<b>Docket No.</b>	2021-0476-MWD-E	<b>PCW</b>	
<b>Respondent</b>	Aqua Texas, Inc.			Policy Revision 4 (April 2014)	
<b>Case ID No.</b>	60596			PCW Revision March 26, 2014	
<b>Reg. Ent. Reference No.</b>	RN101525715				
<b>Media</b>	Water Quality				
<b>Enf. Coordinator</b>	Steven Van Landingham				
<b>Violation Number</b>	9				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0013477001, Special Provisions No. 15				
<b>Violation Description</b>	Failed to install permanent transmission lines from the holding pond to each tract of land to be irrigated.				
<b>Base Penalty</b>				\$25,000	
>> Environmental, Property and Human Health Matrix					
OR	<b>Release</b>	<b>Harm</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.				
<b>Adjustment</b>				\$23,750	
					\$1,250
Violation Events					
Number of Violation Events		2	150	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly	x		<b>Violation Base Penalty</b> \$2,500	
	semiannual				
	annual				
	single event				
Two quarterly events are recommended from the October 26, 2020 investigation date to the March 25, 2021 screening date.					
<b>Good Faith Efforts to Comply</b>		0.0%	<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>				\$2,500	
Economic Benefit (EB) for this violation					Statutory Limit Test
<b>Estimated EB Amount</b>		\$2,033	<b>Violation Final Penalty Total</b>		\$3,764
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$3,764	



Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Aqua Texas, Inc. 60596 RN101525715 Water Quality 9

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	\$20,000	26-Oct-2020	9-Apr-2022	1.45	\$97	\$1,936	\$2,033
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	Estimated Engineering/Construction cost to install permanent transmission lines from the holding pond to each tract of land to be irrigated. The Date Required is the investigation date 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	\$20,000	TOTAL	\$2,033
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The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

Compliance History Report for CN604062463, RN101525715, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

**Customer, Respondent, or Owner/Operator:** CN604062463, Aqua Texas, Inc.

**Classification:** SATISFACTORY

**Rating:** 5.94

**Regulated Entity:** RN101525715, Lakeside Util

**Classification:** HIGH

**Rating:** 0.00

**Complexity Points:** 3

**Repeat Violator:** NO

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

**Location:** Haynie Flat Road, approximately two miles north of the intersection of State Highway 71 and Haynie Road, Travis County Texas

**TCEQ Region:** REGION 11 - AUSTIN

**ID Number(s):**

**WASTEWATER PERMIT** WQ0013477001

**WASTEWATER AUTHORIZATION** R13477001

**WASTEWATER LICENSING** LICENSE WQ0013477001

**Compliance History Period:** September 01, 2016 to August 31, 2021

**Rating Year:** 2021

**Rating Date:** 09/01/2021

**Date Compliance History Report Prepared:** October 27, 2021

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** October 27, 2016 to October 27, 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:**

N/A

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

N/A

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

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

N/A

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
AQUA TEXAS, INC.  
RN101525715**

**§           BEFORE THE  
§  
§           TEXAS COMMISSION ON  
§  
§           ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2021-0476-MWD-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Aqua Texas, 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 together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility and disposal site located at Haynie Flat Road, approximately two miles north of the intersection of State Highway 71 and Haynie Road in Travis 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 the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the 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 ch. 26 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 the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$41,812 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$33,450 of the penalty and \$8,362 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, 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.

6. 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 or conditions in this Order.
7. 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.
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. The Executive Director recognizes that the Respondent submitted a written noncompliance notification on November 19, 2020.

## **II. ALLEGATIONS**

During an investigation conducted on October 26, 2020 through November 30, 2020, an investigator documented that the Respondent:

1. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TCEQ Permit No. WQ0013477001, Operational Requirements No. 1. Specifically, corrosion was observed on both sides of the aeration basin and on the clarifier's effluent weirs.
2. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TCEQ Permit No. WQ0013477001, Operational Requirements No. 1 and Special Provisions No. 16. Specifically, one of the two aerators in the effluent storage pond was not operational, tears were observed in the effluent storage pond liner, and a broken effluent irrigation nozzle was observed in the effluent application area.
3. Failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(1), and TCEQ Permit No. WQ0013477001, Permit Conditions No. 2.g. Specifically, evidences of discharges were observed from the aeration basin and digester nos. 1 and 2.
4. Failed to design and manage the irrigation area to prevent ponding or surfacing of effluent or contamination of ground and surface waters and to prevent nuisance conditions, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TCEQ Permit No. WQ0013477001, Special Provisions No. 4. Specifically, multiple areas of effluent ponding were observed within the effluent application area (Barton Creek Lakeside Golf Course's driving range).

5. Failed to maintain a minimum freeboard of two feet in the storage pond and failed to prevent an unauthorized discharge of treated wastewater into or adjacent to any water in the state, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(2), and TCEQ Permit No. WQ0013477001, Operational Requirements No. 1, Special Provisions No. 7, and Permit Conditions 2.g. Specifically, two feet of freeboard was not maintained in the effluent storage pond and treated wastewater was at, or flowing over the edge of the pond at six different points and an unauthorized discharge of approximately 1,500 gallons discharged from the effluent storage pond into a ditch on November 4, 2020.
6. Failed to monitor chlorine residual in the effluent at the point of irrigation application, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(2), and TCEQ Permit No. WQ0013477001, Effluent Limitations and Monitoring Requirements A and Special Provision No. 11. Specifically, the Respondent was not verifying total chlorine residual by taking effluent samples at the point of irrigation after being held in the effluent storage pond.
7. Failed to prevent an unauthorized discharge of treated wastewater into any water in the state, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(2), and TCEQ Permit No. WQ0013477001, Permit Conditions 2.g. Specifically, approximately 1,000 gallons of treated wastewater discharged from irrigation pipes in the effluent application area and discharged onto an adjacent property.
8. Failed to report an unauthorized discharge in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0013477001, Monitoring Requirements No. 7.a. Specifically, an unauthorized discharge was observed on October 26, 2020 and a noncompliance notification was not received until November 19, 2020.
9. Failed to install permanent transmission lines from the holding pond to each tract of land to be irrigated, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0013477001, Special Provisions No. 15.

### **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

### **IV. ORDERING PROVISIONS**

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the 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 action 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: Aqua Texas, Inc., Docket No. 2021-0476-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 undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order:
    - i. Replace the broken effluent irrigation nozzle;
    - ii. Remove and properly clean up the discharges around the aeration basin and digester nos. 1 and 2;
    - iii. Develop and implement procedures to maintain two feet of freeboard in the effluent storage pond to prevent unauthorized discharges;
    - iv. Develop and implement procedures to take effluent samples at the point of irrigation to verify total chlorine residual; and
    - v. Repair the irrigation pipes in the effluent application area to cease unauthorized discharges.
  - b. Within 45 days after the effective date of this Order, submit written certification of compliance with Ordering Provision Nos. 2.a.i through 2.a.v, in accordance with Ordering Provision No. 2.h below.
  - c. Within 60 days after the effective date of this Order:
    - i. Repair/replace the aerator in the effluent storage pond;
    - ii. Repair the tears in the effluent storage pond liner and conduct an evaluation of the Facility by a Texas Licensed Professional Engineer in order to meet the requirements of the liner certification, in accordance with TCEQ Permit No. WQ0013477001, Special Provisions No. 16; and
    - iii. Modify and manage the irrigation area to prevent the ponding of effluent, in accordance with TCEQ Permit No. WQ0013477001, Special Provisions No. 4.
  - d. Within 75 days after the effective date of this Order, submit written certification of compliance with Ordering Provision Nos. 2.c.i through 2.c.iii, in accordance with Ordering Provision No. 2.h below.
  - e. Within 90 days after the effective date of this Order, install permanent transmission lines from the holding pond to each tract of land to be irrigated.

- f. Within 105 days after the effective date of this Order, submit written certification of compliance with Ordering Provision No. 2.e, in accordance with Ordering Provision No. 2.h below.
- g. Within 180 days after the effective date of this Order, construct and put into operation the new wastewater treatment facility.
- h. Within 195 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.g. 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  
Austin Regional Office  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- 3. All relief not expressly granted in this Order is denied.
- 4. The duties and provisions imposed by this Order shall apply to and be binding upon 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. 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.
8. 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.
9. 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

6/8/2022  
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.

504  
  
Signature

12/15/2021  
Date

Robert Laughman  
Name (Printed or typed)  
Authorized Representative of  
Aqua Texas, Inc.

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.