

Executive Summary – Enforcement Matter – Case No. 60785

Aqua Texas, Inc.

RN101513653

Docket No. 2021-0750-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

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

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Candlelight Hills WWTP, 18604 Candleview Drive, Spring, Harris County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: December 29, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$30,400

Total Paid to General Revenue: \$30,400

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 29, 2021

Date(s) of NOE(s): April 30, 2021

**Executive Summary – Enforcement Matter – Case No. 60785
Aqua Texas, Inc.
RN101513653
Docket No. 2021-0750-MWD-E**

Violation Information

Failed to comply with permitted effluent limitations for pH, dissolved oxygen, total suspended solids, ammonia nitrogen, *Escherichia coli*, and carbonaceous biochemical oxygen demand (5-day) [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011314001, Effluent Limitations and Monitoring Requirements Nos. 1, 3, and 6].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented a corrective measure by achieving compliance with the permitted effluent limitations of TPDES Permit No. WQ0011314001 by July 31, 2021.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Taylor Williamson, Enforcement Division, Enforcement Team 1, MC R-12, (512) 239-2097; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Christopher R. Franklin, Chief Executive Officer, Aqua Texas, Inc., 1106 Clayton Lane, Suite 400 West, Austin, Texas 78723
Craig Blanchette, President, Aqua Texas, Inc., 1106 Clayton Lane, Suite 400 West, Austin, Texas 78723

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	10-May-2021		
	PCW	3-May-2022	Screening	21-May-2021
			EPA Due	

RESPONDENT/FACILITY INFORMATION			
Respondent	Aqua Texas, Inc.		
Reg. Ent. Ref. No.	RN101513653		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	60785	No. of Violations	2
Docket No.	2021-0750-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Taylor Williamson
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit	Minimum	\$0	Maximum
			\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$20,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	62.0% Adjustment	Subtotals 2, 3, & 7	\$12,400
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Notes: Enhancement for seven months of self-reported effluent violations and one NOV with dissimilar violations. Enhancement for Repeat Violator classification.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$2,000
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$1,251
Estimated Cost of Compliance: \$15,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$30,400
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$30,400
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$30,400
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$30,400
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Screening Date 21-May-2021

Docket No. 2021-0750-MWD-E

PCW

Respondent Aqua Texas, Inc.

Policy Revision 5 (January 28, 2021)

Case ID No. 60785

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101513653

Media Water Quality

Enf. Coordinator Taylor Williamson

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>)	7	35%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 37%

>> Repeat Violator (Subtotal 3)

Yes

Adjustment Percentage (Subtotal 3) 25%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for seven months of self-reported effluent violations and one NOV with dissimilar violations.
Enhancement for Repeat Violator classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 62%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 62%

Screening Date 21-May-2021 **Docket No.** 2021-0750-MWD-E **PCW**
Respondent Aqua Texas, Inc. *Policy Revision 5 (January 28, 2021)*
Case ID No. 60785 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101513653
Media Water Quality
Enf. Coordinator Taylor Williamson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011314001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6

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

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 50.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen and carbonaceous biochemical oxygen demand (5-day) to determine whether the discharged amounts of pollutants exceeded protective levels. Total suspended solids, dissolved oxygen, and *Escherichia coli* were also considered. Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$12,500

\$12,500

Violation Events

Number of Violation Events 1 30 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$12,500

One monthly event is recommended for the month of September 2020.

Good Faith Efforts to Comply

10.0%

Reduction \$1,250

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

Notes

The Respondent achieved compliance as of July 31, 2021.

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,251

Violation Final Penalty Total \$19,000

This violation Final Assessed Penalty (adjusted for limits) \$19,000

Economic Benefit Worksheet

Respondent Aqua Texas, Inc.
Case ID No. 60785
Reg. Ent. Reference No. RN101513653
Media Violation No. 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				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)	\$15,000	30-Nov-2019	31-Jul-2021	1.67	\$1,251	n/a	\$1,251

Notes for DELAYED costs

Estimated Other cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations. The Date Required is the end date of the first month of noncompliance and the Final Date is the 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 \$15,000

TOTAL \$1,251

Screening Date 21-May-2021 **Docket No.** 2021-0750-MWD-E **PCW**
Respondent Aqua Texas, Inc. *Policy Revision 5 (January 28, 2021)*
Case ID No. 60785 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101513653
Media Water Quality
Enf. Coordinator Taylor Williamson

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0011314001, Effluent Limitations and Monitoring Requirements Nos. 1 and 3

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

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<input type="text" value="15.0%"/>	
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

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

Matrix Notes

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Two quarterly events are recommended for the periods containing the months of November 2019, and August and October 2020.

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text" value="x"/>
N/A	<input type="text"/>	<input type="text"/>

Notes

The Respondent achieved compliance as of July 31, 2021.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Aqua Texas, Inc.
Case ID No. 60785
Reg. Ent. Reference No. RN101513653
Media Violation No. Water Quality
 2

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

See Economic Benefit Worksheet No. 1.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

Aqua Texas, Inc.
Docket No. 2021-0750-MWD-E
TPDES Permit No. WQ0011314001
Case No. 60785

Effluent Violation Table					
	Dissolved Oxygen	pH	Total Suspended Solids		
	Minimum Conc.	Minimum	Daily Avg. Conc.	Single Grab Conc.	Daily Avg. Load.
Monitoring Period	Limit = 4 mg/L	Limit = 6 SU	Limit = 15 mg/L	Limit = 60 mg/L	Limit = 50 lbs/day
November 2019	c	5.93	c	c	c
September 2020	<5.19	c	<49.4	87.3	<53.8
October 2020	c	5.07	29.4	c	c

	Carbonaceous Biochemical Oxygen Demand (5-day)		<i>Escherichia coli</i>		Ammonia Nitrogen		
	Daily Avg. Conc.	Single Grab Conc.	Daily Avg. Conc.	Single Grab Conc.	Daily Avg. Conc.	Single Grab Conc.	Daily Avg. Load.
Monitoring Period	Limit = 10 mg/L	Limit = 35 mg/L	Limit = 63 MPN/100 mL	Limit = 200 MPN/100 mL	Limit = 3 mg/L	Limit = 15 mg/L	Limit = 10 lbs/day
August 2020	c	c	c	c	3.2934	33.7	c
September 2020	35.1	99.9	>2419.7	>2419.7	25.9	34.4	22.6
October 2020	c	c	c	c	<4.76	22.6	c

lbs/day = pounds per day mg/L = milligrams per liter SU = standard units
MPN/100 mL = most probable number per 100 milliliters Avg. = Average
Conc. = Concentration Load. = Loading
c = compliant

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Compliance History Report

Compliance History Report for CN604062463, RN101513653, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN604062463, Aqua Texas, Inc. **Classification:** SATISFACTORY **Rating:** 5.57

Regulated Entity: RN101513653, CANDLELIGHT HILLS WWTP **Classification:** SATISFACTORY **Rating:** 45.82

Complexity Points: 5 **Repeat Violator:** YES

CH Group: 08 - Sewage Treatment Facilities

Location: 18604 Candlevue Drive, in Harris County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):
WASTEWATER PERMIT WQ0011314001 **WASTEWATER EPA ID** TX0046744
WASTEWATER LICENSING LICENSE WQ0011314001

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

Date Compliance History Report Prepared: May 13, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 13, 2016 to May 13, 2021

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Katelyn Tubbs **Phone:** (512) 239-2512

Site and Owner/Operator History:

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

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	June 20, 2016	(1346261)	Item 16	November 17, 2017	(1461976)
Item 2	August 05, 2016	(1359659)	Item 17	December 25, 2017	(1468360)
Item 3	September 16, 2016	(1366099)	Item 19	January 26, 2018	(1475059)
Item 5	October 19, 2016	(1378959)	Item 21	March 09, 2018	(1487275)
Item 6	November 18, 2016	(1384922)	Item 22	March 18, 2018	(1490950)
Item 7	December 20, 2016	(1391056)	Item 23	April 20, 2018	(1494196)
Item 8	January 20, 2017	(1397676)	Item 24	June 21, 2018	(1508233)
Item 9	February 20, 2017	(1404565)	Item 25	September 10, 2018	(1520621)
Item 10	March 16, 2017	(1411657)	Item 26	September 24, 2018	(1527789)
Item 11	May 18, 2017	(1425748)	Item 27	October 19, 2018	(1534146)
Item 12	July 17, 2017	(1440368)	Item 29	December 20, 2018	(1545751)
Item 14	August 22, 2017	(1444049)	Item 30	January 21, 2019	(1561257)
Item 15	October 23, 2017	(1456510)	Item 31	February 25, 2019	(1561255)

Item 32	April 20, 2019	(1572349)	Item 42	February 20, 2020	(1641185)
Item 33	May 21, 2019	(1584310)	Item 43	March 19, 2020	(1647700)
Item 34	June 20, 2019	(1584311)	Item 44	April 20, 2020	(1654049)
Item 36	July 19, 2019	(1593689)	Item 45	May 18, 2020	(1660621)
Item 37	September 20, 2019	(1600017)	Item 46	June 19, 2020	(1667141)
Item 39	October 20, 2019	(1613765)	Item 47	July 20, 2020	(1674093)
Item 40	November 20, 2019	(1619576)	Item 48	September 21, 2020	(1680866)
Item 41	January 20, 2020	(1634570)	Item 49	January 19, 2021	(1714019)

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: 08/31/2020 (1687437)
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: 09/30/2020 (1693776)
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: 10/20/2020 (1672545)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Description: Failure to operate and/or maintain a system/equipment where failure to do so would impact the environment and/or public.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 309, SubChapter B 309.13(e)
30 TAC Chapter 309, SubChapter B 309.13(f)
Other Requirements No. 4 PERMIT
Description: The facility failed to maintain compliance with regulations for domestic wastewater plant siting location standards [30 Texas Administrative Code (TAC) Chapter 309.13 (e) and (f)].

- 4 Date: 10/31/2020 (1714017)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 5 Date: 11/30/2020 (1714018)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 6 Date: 1/31/2021
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 7 Date: 2/28/2021
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

- 8 Date: 4/30/2021
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
AQUA TEXAS, INC.
RN101513653**

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§**

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2021-0750-MWD-E**

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 presented this Order to the Commission.

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

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located at 18604 Candleview Drive, in Harris County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. During a record review for the Facility conducted on January 29, 2021, an investigator documented that the Respondent did not comply with permitted effluent limitations, as shown in the effluent violation tables below:

Monitoring Period	Dissolved Oxygen	pH	Total Suspended Solids		
	Minimum Conc. Limit = 4.0 mg/L	Minimum Limit = 6.0 SU	Daily Avg. Conc. Limit = 15 mg/L	Single Grab Conc. Limit = 60 mg/L	Daily Avg. Load. Limit = 50 lbs/day
November 2019	c	5.93	c	c	c
September 2020	<5.19	c	<49.4	87.3	<53.8
October 2020	c	5.07	29.4	c	c

Monitoring Period	Carbonaceous Biochemical Oxygen Demand (5-day)		<i>Escherichia coli</i>		Ammonia Nitrogen		
	Daily Avg. Conc. Limit = 10 mg/L	Single Grab Conc. Limit = 35 mg/L	Daily Avg. Conc. Limit = 63 MPN/100 mL	Single Grab Conc. Limit = 200 MPN/100 mL	Daily Avg. Conc. Limit = 3 mg/L	Single Grab Conc. Limit = 15 mg/L	Daily Avg. Load. Limit = 10 lbs/day
August 2020	c	c	c	c	3.2934	33.7	c
September 2020	35.1	99.9	>2419.7	>2419.7	25.9	34.4	22.6
October 2020	c	c	c	c	<4.76	22.6	c

lbs/day = pounds per day
Avg. = Average
c = compliant

mg/L = milligrams per liter
Conc. = Concentration
MPN/100 mL = most probable number per 100 milliliters

SU = standard units
Load. = Loading

3. The Executive Director recognizes that the Respondent implemented a corrective measure at the Facility by achieving compliance with the permitted effluent limitations of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011314001 by July 31, 2021.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0011314001, Effluent Limitations and Monitoring Requirements Nos. 1, 3, and 6.
3. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$30,400 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid the \$30,400 penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Aqua Texas, Inc., Docket No. 2021-0750-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. 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 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.
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 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.
5. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
6. 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.
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

1/3/2024

Date

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

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

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


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



Signature

11/15/23

Date



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.