Executive Summary – Enforcement Matter – Case No. 60768 THE ORCHARDS ON THE BRAZOS, LLC RN111113338 Docket No. 2021-0753-PWS-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A **Media:** PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

The Orchards on The Brazos, 1974 County Road 307, Cleburne, Somervell County

Type of Operation: Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 3, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$16,107

Amount Deferred for Expedited Settlement: \$3,220

Total Paid to General Revenue: \$12,887 **Total Due to General Revenue:** \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Unclassified

Site/RN - N/A

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: April 19, 2021 through April 30, 2021, May 17, 2021, and

July 9, 2021 through July 23, 2021

Date(s) of NOE(s): April 30, 2021 and August 31, 2021

Executive Summary - Enforcement Matter - Case No. 60768 THE ORCHARDS ON THE BRAZOS, LLC RN111113338 Docket No. 2021-0753-PWS-E

Violation Information

- 1. Failed to collect and report the results of cyanide, metals, minerals, asbestos, and nitrite sampling to the Executive Director ("ED") for the January 1, 2020 through December 31, 2020 monitoring period [30 Tex. Admin. Code § 290.106(c) and (e)].
- 2. Failed to collect and report the results of volatile organic chemical ("VOC") contaminants and synthetic organic chemical ("SOC") contaminants (Methods 504, 515, and 531) sampling to the ED for the October 1, 2020 through December 31, 2020 monitoring period [30 Tex. Admin. Code § 290.107(c) and (e)].
- 3. Failed to collect and report the results of SOC contaminants Group 5 sampling to the ED for the October 1, 2020 through December 31, 2020 monitoring period [30 Tex. ADMIN. CODE § 290.107(c) and (e)].
- 4. Failed to submit a Disinfection Level Quarterly Operating Report ("DLQOR") to the ED by the tenth day of the month following the end of each quarter for the fourth quarter of 2020 [30 Tex. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3)].
- 5. Failed to pay annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 92130046 for Fiscal Year 2021 [30 Tex. ADMIN. CODE § 290.51(a)(6) and Tex. WATER CODE § 5.702].
- 6. Failed to issue a boil water notice ("BWN") to the customers of the Facility within 24 hours of a low disinfectant residual. Specifically, a BWN was not issued within 24 hours of the 0.0 milligrams per liter disinfectant residual on July 9, 2021 [30 Tex. ADMIN. CODE § 290.46(q)(1)].
- 7. Failed to maintain a disinfectant residual of at least 0.2 milligrams per liter of free chlorine throughout the distribution system at all times. Specifically, on July 9, 2021, a free chlorine residual concentration of 0.0 milligrams per liter was measured at 10088 Orchards Boulevard (Lot 23) [30 Tex. Admin. Code §§ 290.46(d)(2)(A) and 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)].
- 8. Failed to post a legible sign at the Facility's production, treatment, and storage facilities that contains the name of the Facility and an emergency telephone number where a responsible official can be contacted. Specifically, there was no ownership sign at the water plant [30 Tex. ADMIN. CODE § 290.46(t)].
- 9. Failed to maintain water works operations and maintenance records and make them readily available for review by the ED upon request. Specifically, records of the amount of each chemical used each week and the amount of water distributed each week were not maintained on-site for review [30 Tex. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(III), and (f)(3)(A)(ii)(III)].

Executive Summary – Enforcement Matter – Case No. 60768 THE ORCHARDS ON THE BRAZOS, LLC RN111113338 Docket No. 2021-0753-PWS-E

10. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days [30 Tex. ADMIN. CODE \S 290.110(c)(4)(A)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By maintaining a disinfectant residual of at least 0.2 milligrams per liter of free chlorine throughout the distribution system on July 23, 2021;
- b. By collecting and reporting VOC contaminants and SOC contaminants (Methods 504, 515, and 531) on July 30, 2021;
- c. By collecting and reporting SOC contaminants Group 5 on September 3, 2021; and
- d. By submitting a DLQOR on December 21, 2021.

Technical Requirements:

The Order will require the Respondent to:

- a. Immediately, issue a BWN.
- b. Within 30 days:
- i. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 92130046;
- ii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results for cyanide, metal, mineral, asbestos, and nitrite are collected, analyzed, and released by the Facility's laboratories and timely reported to the ED within the first ten days following the month in which the result is received by the Facility, or the first ten days following the end of the required monitoring period, whichever is first;
- iii. Collect the required number of cyanide, metal, mineral, asbestos, and nitrite samples, have the samples analyzed, and report the results to the ED within the first ten days following the month in which the results are received by the Facility, or the first ten days following the end of the required monitoring period, whichever is first. This provision will be satisfied upon the timely delivery of all sampling results to the ED for one compliant annual monitoring period;

Executive Summary – Enforcement Matter – Case No. 60768 THE ORCHARDS ON THE BRAZOS, LLC RN111113338 Docket No. 2021-0753-PWS-E

- iv. Develop a written protocol to ensure that all future BWNs for low disinfectant residuals are provided to customers of the Facility within 24 hours;
- v. Compile and maintain properly completed water works operations and maintenance records, including records of the amount of each chemical used each week and the amount of water distributed each week; and
- vi. Monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days.
- c. Within 45 days, submit written certification to demonstrate compliance with a., b.ii. and b.iv. through b.vi.
- d. Within 60 days, provide a legible sign at each production, treatment, and storage facility with an emergency phone number where a responsible official can be contacted.
- e. Within 75 days, submit written certification to demonstrate compliance with d.
- f. Within 410 days, submit written certification to demonstrate compliance with b.iii.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Carlos Molina, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-2557; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Oscar Rohne, President, THE ORCHARDS ON THE BRAZOS, LLC, 665

Simonds Road, Williamstown, Massachussets 01267

Respondent's Attorney: N/A



S COMMISSION	Q.		•	n Worksheet (PC	•	
ALIPONMENTAL QUE	Policy Rev	ision 5 (January 28, 2	?021)		PCW Revision Fe	ebruary 11, 2021
DATES		3-May-2021			,	
	PCW	20-May-2021	Screening 17-May-2021	EPA Due 30-Jun-2021		
RESPO	NDENT/FACILI	TY INFORMATI	ON			
	Respondent	THE ORCHARDS	ON THE BRAZOS, LLC			
	J. Ent. Ref. No.	RN111113338			1	
Facilit	y/Site Region	4-Dallas/Fort Wo	orth	Major/Minor Source	Minor	
CASE II	NFORMATION					
	f./Case ID No.	60768		No. of Violations	5	
		2021-0753-PWS		Order Type		
Med		Public Water Sup	oply	Government/Non-Profit		
	Multi-Media			Enf. Coordinator		
۸dn	nin Ponalty ¢ l	Limit Minimum	\$50 Maximum	\$5,000 EC's Team	Enforcement Team 2	
Aui	illii. Pellaity \$	Lillic Millimum	\$30 Maxillulli	\$3,000		
			Penalty Calcula	tion Section		
TOTAL	BASE PENA	LTY (Sum of	violation base penal	ties)	Subtotal 1	\$8,000
ADIII	STMFNTS (+	/-) TO SUBTO	ΌΤΔΙ 1			
ADJUC	Subtotals 2-7 are of	otained by multiplying	g the Total Base Penalty (Subtotal 1) by the indicated percentage.		
	Compliance Hi	story	32.0%	Adjustment Subto	tals 2, 3, & 7	\$2,560
			for two NOVs with the same,	•		
	Notes	with dissimilar	violations, and one agreed of liability.	order containing a denial of		
	Culpability	No	-	Fahanana	Subtotal 1	¢0
	Culpability	INU	0.0%	Enhancement	Subtotal 4	\$0
	Notes	The Re	espondent does not meet the	culpability criteria.		

Good Faith Effort to Comply Total Adjustments Subtotal 5 -\$425

Subtotal 6 \$0 **Economic Benefit** 0.0% Enhancement*

Total EB Amounts Estimated Cost of Compliance *Capped at the Total EB \$ Amount \$503

SUM OF SUBTOTALS 1-7 Final Subtotal \$10,135

4.7% \$473 OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Recommended enhancement to capture the avoided costs of compliance associated with Violation No. 1.

Final Penalty Amount \$10,608

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$10,608 **DEFERRAL** Reduction -\$2,121

20.0% Adjustment Reduces the Final Assessed Penalty by the indicated percentage.

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY \$8,487 Screening Date 17-May-2021

Docket No. 2021-0753-PWS-E

Respondent THE ORCHARDS ON THE BRAZOS, LLC

Case ID No. 60768

Reg. Ent. Reference No. RN111113338

Media Public Water Supply

Enf. Coordinator Carlos Molina

Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021

Compliance History Worksheet

>>	Compliance	History S	Site E	nhancement ((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>)	2	10%
	Other written NOVs	1	2%
	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
Orders	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	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
and Consent Decrees	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	0	0%
Addits	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%

	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) 32%

>> Repeat Violator (Subtotal 3)

N/A Adjustment Percentage (Subtotal 3) 0

>> Compliance History Person Classification (Subtotal 7)

Unclassified Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with the same/similar violations, one NOV with dissimilar violations, and one agreed order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 32%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 32%

		Ordinary N/A Notes	X The Respond		meet the good faith criteria for violation. Violation	n Subtotal	\$3,750
		N/A			_		
			Х			1	
		Ordinary					
		·					
		Bef Extraordinary	fore NOE/NOV	NOE/NOV to EDI	PRP/Settlement Offer		
Good F	aith Efforts to Com	ply	0.0%			Reduction	\$0
		Five single eve	ents are recor	nmended (or	ne for each missed sample).		
		, L					1
		annual single event	X				
		semiannual			Violation Das	.c r enaity	φ3,/30
		monthly quarterly			Violation Bas	e Penalty	\$3,750
		daily weekly					
	Number of V		J		127 Number of violation day	J	
	Number of V	/iolation Events	5		127 Number of violation day	'S	
Violatio	on Events						
							\$750
					Adjustment	\$4,250	
	Notes		h	numan health			
					asbestos, and nitrite sampling counts which would exceed levels pro		
							1
	Falsification	Major	Moderate	Minor	Percent 0.0%		
>>Pro	grammatic Matrix						
	Potential	Х			Percent 15.0%		
OR	Release Actual	Major	Moderate	Minor			
// Lin		-	Harm				
>> Fn:	vironmental, Prope	rty and Huma	n Health I	Matriy		· ·	
					Bas	e Penalty	\$5,000
	Violation Description	merice sampling			nitoring period.	Jecember	
	Violation Description				f cyanide, metals, minerals, asbes for the January 1, 2020 through I		
			30 Tex.	Admin. Code	e § 290.106(c) and (e)		
	Rule Cite(s)		22 =	A 1	5 200 405() ()		
	Enf. Coordinator Violation Number						
		Public Water Sup	ply				
Reg.	Ent. Reference No.					, 0,	r Kevision rebradity 11, 2021
	Case ID No.	THE ORCHARDS	ON THE BRAZ	205, LLC			Revision 5 (January 28, 2021) V Revision February 11, 2021
	Screening Date	-	ON THE DDAT	Doc			

	E	conomic	Benefit	Wor	ksheet		
		OS ON THE BRAZO	S, LLC				
Case ID No.	60768						
Reg. Ent. Reference No.	RN111113338						
Media	Public Water S	Supply					Years of
Violation No.		- F F 7				Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
2002 000							
Delayed Costs							
E quipment				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	\$100	19-Apr-2021	2-Oct-2022	1.45	\$7	n/a	\$7
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
	The delayed of	cost includes the e	estimated amoui	nt to im	plement process p	rocedures, guidanc	e, and training
	and/or overs	ight to ensure tha	t future drinking	water	sample results are	collected, analyzed	d and released
Notes for DELAYED costs	by the Faci	lity's laboratories	and timely repo	rted to t	the Executive Dire	ctor, calculated from	m the record
	5, 55 . 5.5.	•	•		ted date of compli	•	
Avoided Costs	ANNU					one-time avoide	d 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)	\$464	31-Dec-2020	17-May-2021	0.38	\$9	\$464	\$473
Notes for AVOIDED costs	(\$55.36 for c	cyanide + \$8.74 fo	or nitrite + \$164	.96 for	metals + \$105.32	alyzed chemical and for minerals + \$13 ired to the screenir	0 for asbestos
	Contai	marica _j , calculate	ta iroin the date	. wileli s	samping was requ	in carto the screenii	ig date.
Approx. Cost of Compliance		\$564			TOTAL		\$480

	Scre	ening Date	17-May-2021		Docke	et No. 2021-0753-PWS-E		PCW
	R	espondent	THE ORCHARDS	ON THE BRA	AZOS, LLC		Policy Revision	on 5 (January 28, 2021)
	C	ase ID No.	60768				PCW Rev	rision February 11, 2021
Reg.	Ent. Ref	erence No.	RN111113338					
			Public Water Su	vlaa				
	Enf. C	oordinator		r r 7				
		tion Number						
		Rule Cite(s)		20	T 41: 01	5 200 407()		
				30	Tex. Admin. Cod	e § 290.107(c) and (e)		
	Violation	n Description	synthetic orga	nic chemical	("SOC") contamination ("SOC") contamination ("SOC") contamination ("SOC")	atile organic chemical ("VOC") contar nants (Methods 504, 515, and 531) s 2020 through December 31, 2020 m eriod.	sampling to	
						Ва	ase Penalty	\$5,000
>> Env	<i>i</i> ironmo	ntal Proper	rty and Hum	an Haalth	Matrix			
// LIIV		itai, Fropei	ity and main	Harm	Hatrix			
		Release	Major	Moderate	Minor			
OR		Actual						
		Potential	Х			Percent 15.09	%	
D		L: - B4 - L:						
>>Pro	gramma	tic Matrix	Majar	Madayata	Minor			
		Falsification	Major	Moderate	Minor	Percent 0.09	Va	
	l					o.o.	70	
	Matrix Notes					contaminants sampling could expose uld exceed levels protective of human Adjustment		
								+750
								\$750
Violatio	on Event	·e						
Violati	on Even							
		Number of V	iolation Events	4		127 Number of violation days		
			daily weekly monthly quarterly semiannual annual single event	X		Violation Ba	ase Penalty	\$3,000
			Four single	e events are	recommended (o	ne for each missed sample).		
Good F	aith Effo	orts to Com	ply	10.0%			Reduction	\$300
			Ве	fore NOE/NOV	NOE/NOV to EDPRP	/Settlement Offer		
			Extraordinary					
			Ordinary		Х			
			N/A				_	
			Notes	The Re	espondent achieve	ed compliance on July 30, 2021.		
						Violatio	on Subtotal	\$2,700
Econor	nic Bene	efit (EB) for	this violation	on		Statutory Limit Test		
		Estimate	ed EB Amount		\$15	Violation Final Pe	enalty Total	\$3,831
					This violation	Final Assessed Penalty (adjusted	l for limite)	\$3,831
					7101411011	a. , woodood i charty (aujusted	 	ΨΟ,ΟΟΙ

	E	conomic	Benefit	Wor	ksheet		
Respondent Case ID No. Reg. Ent. Reference No.	60768	S ON THE BRAZC	S, LLC				
Media Violation No.	Public Water S 2	upply				Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Dolayed Costs							
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 #0	n/a	\$0
Remediation/Disposal Permit Costs				0.00	\$0 \$0	n/a n/a	\$0 \$0
Other (as needed)	\$516	31-Dec-2020	30-Jul-2021	0.58	\$15	n/a	\$15
Notes for DELAYED costs	samples (\$56 Method 515	5.77 for VOC + \$7 + \$58.72 for SOC	77.94 for SOC c C contaminants required to	ontamin Method the dat	eants Method 504 531), calculated fi se of compliance.	nave analyzed chem + \$322.65 for SOC rom the date when	contaminants sampling was
Avoided Costs	ANNUA	LIZE avoided co	osts before en			one-time avoided	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0 \$0	\$0
Supplies/Equipment Financial Assurance				0.00	\$0 \$0	<u>\$0</u> \$0	<u>\$0</u> \$0
ONE-TIME avoided costs				0.00	\$0	\$0 \$0	\$0
Other (as needed)				0.00	\$0	\$0 \$0	\$0
Notes for AVOIDED costs				,,		3 0	
Approx. Cost of Compliance		\$516			TOTAL		\$15

_	17-May-2021	Docket No. 2021-0753-PWS-E	PCW
Responde	ent THE ORCHARDS ON THE BR	AZOS, LLC	Policy Revision 5 (January 28, 2021)
Case ID	lo. 60768		PCW Revision February 11, 2021
Reg. Ent. Reference	lo. RN111113338		
Me	dia Public Water Supply		
Enf. Coordina	tor Carlos Molina		
Violation Num	ber 3		
Rule Cite	(s) 30 Te	x. Admin. Code § 290.107(c) and (e)	
	30 10.	K. Admin. Code § 230.107(c) and (c)	
Violation Descrip	·	the results of SOC contaminants Group 5 sampling October 1, 2020 through December 31, 2020 more period.	
		Base	Penalty \$5,000
>> Environmental, Pro	perty and Human Healtl	n Matrix	
	Harm		
Rele		Minor	
	tual		
Pote	ntial x	Percent 15.0%	
>>Programmatic Matr	iv		
Falsificat		Minor	
T dibined	Sir Hajer Historiae	Percent 0.0%	
Matrix Failure to	collect and report SOC contami	nants sampling could expose persons served by F	incility to
Matrix Failure to	•	would exceed levels protective of human health.	acility to
Notes	andetected contaminants which	Would exceed levels proceedive of Hamaii Healtin	
		Adjustment	\$4,250
			\$750
Violation Events			
Number	of Violation Events 1	127 Number of violation day	ys
	daily		
	weekly		
	monthly quarterly	Violation Base	Penalty \$750
	semiannual	Violation base	\$750
	annual		
	single event x		
	One singl	e event is recommended.	
	One singi	2 3. 3.1c 15 . 33311111GHGGGI	
Good Faith Efforts to C			Reduction \$75
		NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary		
	Ordinary	X	
	N/A	<u> </u>	
	Notes The Respo	ondent achieved compliance on September 3,	
	Notes	2021.	
		Violation	
Economic Benefit (EB)	for this violation	Statutory Limit T	est
Esti	nated EB Amount	\$7 Violation Final Pena	alty Total \$958
	TL:-	violation Final Assessed Penalty (adjusted fo	or limits) \$958
	inie v	ZOGRANIO POR LA PRESENTA PRODUTO L'ANTIISTRA TA	אין ווווו וע אוווווו וע אווווווו וע

	E	conomic	Benefit	Wo	rksheet		
•		OS ON THE BRAZO	OS, LLC				
Case ID No.							
Reg. Ent. Reference No.							
	Public Water S	Supply				Percent Interest	Years of Depreciation
Violation No.	3						
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
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 Record Keeping System				0.00	\$0 \$0	n/a n/a	\$0 \$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)	\$212	31-Dec-2020	3-Sep-2021	0.67	\$7	n/a	\$7
Notes for DELAYED costs	samples for S	OC contaminants	Group 5, calcul	ated fromp	om the date when liance.	have analyzed chem sampling was requi	red to the date
Avoided Costs	ANNUA	LIZE avoided co	osts before en	tering		one-time avoide	d costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment Financial Assurance				0.00	\$0 \$0	\$0 ¢0	\$0 #0
ONE-TIME avoided costs				0.00	\$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0 \$0	\$0
Notes for AVOIDED costs				0.00	, 40	ΨΟ Ι	Ψ0
Approx. Cost of Compliance		\$212			TOTAL		\$7

	Screening Date	17-May-2021	Docket	No. 2021-0753-PWS-E	PCW
	Respondent	THE ORCHARDS ON	THE BRAZOS, LLC		Policy Revision 5 (January 28, 2021)
	Case ID No.	60768			PCW Revision February 11, 2021
Reg.	Ent. Reference No.	RN111113338			
	Media	Public Water Supply			
	Enf. Coordinator	Carlos Molina			
	Violation Number	4			
	Rule Cite(s)	30	Tex. Admin. Code § 290.11	$\Omega(e)(4)(\Delta)$ and $(f)(3)$	
		50	Tex. Admin. Code § 230.11	o(e)(+)(A), and (1)(3)	
	Violation Description			Operating Report ("DLQOR" h following the end of each q of 2020.	
				Base	e Penalty \$5,000
>> Fnv	rironmental, Prope	rty and Human	Health Matrix		
// LIIV	inoniniental, Prope		arm		
	Release		derate Minor		
OR	Actual				
	Potential			Percent 0.0%	
D					
>>Prog	grammatic Matrix	Major Mo	dougto Minor		
	Falsification		derate Minor	Percent 10.0%	
		Х		Percent 10.0%	
	Matrix Notes	100% (of the rule requirements wer	re not met.	
				Adjustment	\$4,500
					\$500
Violatio	on Events				
Violatic	on Evenes				
	Number of \	/iolation Events	1 90	Number of violation day	ys
		daily weekly monthly quarterly semiannual annual single event	X	Violation Base	e Penalty \$500
		0	ne single event is recomme	nded	
		O	ne single event is recomme	ideai	
Good F	aith Efforts to Com		10.0%		Reduction \$50
			NOE/NOV to EDPRP/Se	ttlement Offer	
		Extraordinary			
		Ordinary	X		
		N/A			
		Notes	e Respondent achieved com 2021		
				Violation	Subtotal \$450
Econon	nic Benefit (EB) for	this violation		Statutory Limit T	est
	Ectimate	ed EB Amount	\$1	Violation Final Pena	alty Total \$638
	EStillidu	CG LD AIIIOUIIL	ÞΤ	violation fillal Pelle	\$038
			This violation Final Ass	essed Penalty (adjusted f	or limits) \$638

	E	conomic	Benefit	VVOI	rksneet		
Respondent	THE ORCHARI	OS ON THE BRAZO	OS, LLC				
Case ID No.	60768						
Reg. Ent. Reference No.	RN111113338	3					
	Public Water S					D T	Years of
Violation No.		,				Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description		Date Required	i mai bate	5	Interest Savea	costs savea	LD Amount
Item Description	i e						
Delayed Costs							
Equipment		1		0.00	\$0	\$0	\$0
Buildings				0.00	\$0 \$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
Remediation/Disposal Permit Costs				0.00	\$0	n/a	\$0
Remediation/Disposal	\$22	10-Jan-2021	21-Dec-2021				
Remediation/Disposal Permit Costs				0.00	\$0 \$1	n/a n/a	\$0 \$1
Remediation/Disposal Permit Costs Other (as needed)	The Other del	ayed cost include:	s the estimated	0.00 0.95 amoun	\$0 \$1 t to prepare and s	n/a n/a ubmit a DLQOR (\$2	\$0 \$1 2 per DLQOR x
Remediation/Disposal Permit Costs	The Other del	ayed cost include:	s the estimated	0.00 0.95 amoun port wa	\$0 \$1 t to prepare and s s due for the fourt	n/a n/a	\$0 \$1 2 per DLQOR x
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs	The Other del one report)	ayed cost include , calculated from	s the estimated the date the re	0.00 0.95 amoun port was complia	\$0 \$1 t to prepare and s s due for the fourt ance.	n/a n/a ubmit a DLQOR (\$2 h quarter of 2020 t	\$0 \$1 2 per DLQOR x o the date of
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	The Other del one report)	ayed cost include , calculated from	s the estimated the date the re	0.00 0.95 amoun port wa complia	\$0 \$1 t to prepare and s s due for the fourt ance. item (except for	n/a n/a ubmit a DLQOR (\$2	\$0 \$1 2 per DLQOR x o the date of
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	The Other del one report)	ayed cost include , calculated from	s the estimated the date the re	0.00 0.95 amoun port was compliantering	\$0 \$1 t to prepare and s s due for the fourt ance. item (except for \$0	n/a n/a ubmit a DLQOR (\$2 th quarter of 2020 t	\$0 \$1 2 per DLQOR x o the date of d costs) \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	The Other del one report)	ayed cost include , calculated from	s the estimated the date the re	amoun port was compliantering	\$0 \$1 t to prepare and s s due for the fourt ance. item (except for \$0 \$0	n/a n/a ubmit a DLQOR (\$2 h quarter of 2020 t r one-time avoide \$0 \$0	\$0 \$1 2 per DLQOR x o the date of d costs) \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	The Other del one report)	ayed cost include , calculated from	s the estimated the date the re	0.00 0.95 amoun port was complia tering 0.00 0.00 0.00	\$0 \$1 t to prepare and s s due for the fourt ance. item (except for \$0 \$0 \$0	n/a n/a ubmit a DLQOR (\$2 h quarter of 2020 t r one-time avoide \$0 \$0 \$0 \$0	\$0 \$1 2 per DLQOR x o the date of d costs) \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment	The Other del one report)	ayed cost include , calculated from	s the estimated the date the re	0.00 0.95 amoun port was complia tering 0.00 0.00 0.00	\$0 \$1 t to prepare and s s due for the fourt ance. item (except for \$0 \$0 \$0 \$0	n/a n/a ubmit a DLQOR (\$2 h quarter of 2020 t r one-time avoide \$0 \$0 \$0 \$0 \$0	\$0 \$1 2 per DLQOR x o the date of d costs) \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	The Other del one report)	ayed cost include , calculated from	s the estimated the date the re	0.00 0.95 amoun port wa complia tering 0.00 0.00 0.00 0.00	\$0 \$1 t to prepare and s s due for the fourt ance. item (except for \$0 \$0 \$0 \$0 \$0	n/a n/a ubmit a DLQOR (\$2 h quarter of 2020 to r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$1 2 per DLQOR x o the date of d costs) \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	The Other del one report)	ayed cost include , calculated from	s the estimated the date the re	0.00 0.95 amoun port was complia 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$1 t to prepare and s s due for the fourt ance. item (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a ubmit a DLQOR (\$2 th quarter of 2020 to r one-time avoide	\$0 \$1 2 per DLQOR x o the date of d costs) \$0 \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	The Other del one report)	ayed cost include , calculated from	s the estimated the date the re	0.00 0.95 amoun port wa complia tering 0.00 0.00 0.00 0.00	\$0 \$1 t to prepare and s s due for the fourt ance. item (except for \$0 \$0 \$0 \$0 \$0	n/a n/a ubmit a DLQOR (\$2 h quarter of 2020 to r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$1 2 per DLQOR x o the date of d costs) \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	The Other del one report)	ayed cost include , calculated from	s the estimated the date the re	0.00 0.95 amoun port was complia 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$1 t to prepare and s s due for the fourt ance. item (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a ubmit a DLQOR (\$2 th quarter of 2020 to r one-time avoide	\$0 \$1 2 per DLQOR x o the date of d costs) \$0 \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	The Other del one report)	ayed cost include , calculated from	s the estimated the date the re	0.00 0.95 amoun port was complia 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$1 t to prepare and s s due for the fourt ance. item (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a ubmit a DLQOR (\$2 th quarter of 2020 to r one-time avoide	\$0 \$1 2 per DLQOR x o the date of d costs) \$0 \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	The Other del one report)	ayed cost include , calculated from	s the estimated the date the re	0.00 0.95 amoun port was complia 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$1 t to prepare and s s due for the fourt ance. item (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a ubmit a DLQOR (\$2 th quarter of 2020 to r one-time avoide	\$0 \$1 2 per DLQOR x o the date of d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	The Other del one report)	ayed cost include , calculated from	s the estimated the date the re	0.00 0.95 amoun port was complia 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$1 t to prepare and s s due for the fourt ance. item (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a ubmit a DLQOR (\$2 th quarter of 2020 to r one-time avoide	\$0 \$1 2 per DLQOR x o the date of d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	The Other del one report)	ayed cost include , calculated from	s the estimated the date the re	0.00 0.95 amoun port was complia 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$1 t to prepare and s s due for the fourt ance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a ubmit a DLQOR (\$2 th quarter of 2020 to r one-time avoide	\$0 \$1 2 per DLQOR x o the date of d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	The Other del one report)	ayed cost include , calculated from	s the estimated the date the re	0.00 0.95 amoun port was complia 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$1 t to prepare and s s due for the fourt ance. item (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a ubmit a DLQOR (\$2 th quarter of 2020 to r one-time avoide	\$0 \$1 2 per DLQOR x o the date of d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0

	Screening Da		Docket No. 2021-0753-PWS-E	PCW
	Responde	nt THE ORCHARDS ON T	HE BRAZOS, LLC Police	cy Revision 5 (January 28, 2021)
	Case ID N	0. 60768		PCW Revision February 11, 2021
Reg.	Ent. Reference N	O. RN111113338		
	Med	ia Public Water Supply		
	Enf. Coordinat	or Carlos Molina		
	Violation Numb			
	Rule Cite	(s) 30 Tex. Admi	n. Code § 290.51(a)(6) and Tex. Water Code § 5.702	
		Failed to pay annual	Public Health Service fees and/or any associated late fees for	or
	Violation Descript	Anii	dministration Account No. 92130046 for Fiscal Year 2021.	
			Base Pena	 ty
				+3/333
>> En	vironmental, Pro	perty and Human H		
	Relea		r m erate Minor	
OR	Act		erace Pililor	
	Poten		Percent 0.0%	
>>Pro	grammatic Matri			
	Falsification	on Major Mode	erate Minor	
			Percent 0.0%	
	Matrix			
	Notes			
			Adjustment \$5,0	00
				\$0
	<u> </u>			
Violati	on Events			
	Number	of Violation Events	Number of violation days	
		daily		
		weekly		
		monthly	Violation Page Dona	φ <u>0</u>
		quarterly semiannual	Violation Base Pena	 ty
		annual		
		single event		
	All penaltie	s and fees will be determ	ined by the Financial Administration Division at the next billi	<mark>ng</mark>
			cycle.	
Good I	Faith Efforts to Co		0.0% Reduction	on \$0
			DE/NOV NOE/NOV to EDPRP/Settlement Offer	
		Extraordinary		
		Ordinary		
		N/A	X	
		Notes The R	espondent does not meet the good faith criteria for	
		NOLES	this violation.	
			Violation Subto	tal \$0
Econo	mic Benefit (EB)	for this violation	Statutory Limit Test	
		nated EB Amount	\$0 Violation Final Penalty To	tal \$0
	ESUII			
		Th	nis violation Final Assessed Penalty (adjusted for limit	(s) \$0

	E	conomic	Benefit	Wo	rksheet		
		OS ON THE BRAZO	OS, LLC				
Case ID No.	60768						
Reg. Ent. Reference No.	RN111113338	}					
Media	Public Water S					Percent Interest	Years of
Violation No.	5					r creent interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
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				N/			
Avoided Costs	ANNUA	ALIZE avoided co	osts before er			r one-time avoide	
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				N/	A		
Approx. Cost of Compliance		\$0			TOTAL		\$0



Penalty Calculation Worksheet (PCW) Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

PAYABLE PENALTY

NAMENTAL OF		(
DATES	7100.9.100	7-Sep-2021			<u>-</u>		,	
	PCW	26-Sep-2021	Screening	22-Sep-2021	EPA Due			
RESPO	NDENT/FACILI	TY INFORMATI	ON					
_	Respondent	THE ORCHARDS	ON THE BRA	ZOS, LLC				
	g. Ent. Ref. No.						T	
Facilit	ty/Site Region	4-Dallas/Fort We	orth		Major/M	linor Source	Minor	
	NFORMATION				T			
En	f./Case ID No.				No. o	of Violations		
		2021-0753-PWS				Order Type		
Med	lia Program(s)	Public Water Su	pply			/Non-Profit		
	Multi-Media				Ent.		Carlos Molina	
				7		EC's Team	Enforcement 1	leam 2
Adr	min. Penalty \$ I	Limit Minimum	\$50	Maximum	\$5,000			
			Penal	tv Calcula	tion Section	on		
TOTAL	I DACE DENA	LTV (C		,			Code to	#4 200
IOIA	L BASE PENA	LIY (Sum of	violation	base penai	ties)		Subtotal 1	\$4,300
ADILI	CTMENTS ()	/) TO SUBT	OTAL 1					
ADJUS	STMENTS (+	otained by multiplying	OTAL I a the Total Base	Penalty (Subtotal	1) by the indicated r	percentage		
	Compliance Hi		g the rotal base	32.0%			tals 2, 3, & 7	\$1,376
	Compliance in		for two NOVs		/similar violation		lais 2, 3, 	Ψ1,570
	Notes			•	order containing	,		
	Notes	with dissimilar	violations, a	liability.	oraci containing	g a acmai oi		
	l			iiabiiity.			J	
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
	Notes	The Re	espondent do	es not meet the	culpability crite	eria.		
	Good Faith Eff	ort to Comply T	Total Adjust	ments			Subtotal 5	-\$187
	F	- C'L		0.00/			Coltate Let C	
	Economic Bene	Total EB Amounts	#20		Enhancement* Id at the Total EB \$.	Amount	Subtotal 6	\$0
	Estimated	Cost of Compliance	\$30 \$515	Сарре	u at the Total LD \$.	Amount		
			Ψ313	-1				
SIIM (OF SUBTOTA	IS 1-7				F	inal Subtotal	\$5,489
501-1	or SobioiA					•	mai Subtotai	457.05
OTHE	R FACTORS A	S HISTICE N	AAV DEOLI	TDE	0.2%		Adjustment	\$10
Reduces of	or enhances the Final	Subtotal by the indi	cated nercentag	1KL	0.270		Aujustinent	\$10
ricauces e	or emidnees the rind	Subtotal by the mai	catea percentag	С.			1	
	Notos	Recommended 6	enhancement	to capture the	avoided cost as	sociated with		
	Notes	Recommended 6		to capture the Violation No. 5.		sociated with		
	Notes	Recommended 6		•			alty Amount	#E 400
	Notes	Recommended e		•			aalty Amount	\$5,499
CTAT				•		Final Per	•	
STATU	Notes UTORY LIMIT			•		Final Per	nalty Amount	\$5,499 \$5,499
	UTORY LIMIT			•		Final Per	ssed Penalty	\$5,499
DEFER	UTORY LIMIT	Γ ADJUSTMEI	NT	•		Final Per	•	
DEFER	UTORY LIMIT	Γ ADJUSTMEI	NT	•		Final Per	ssed Penalty	\$5,499
DEFER	UTORY LIMIT	T ADJUSTMEI	NT d percentage.	•	20.0%	Final Per	ssed Penalty	\$5,499

\$4,400

PCW

Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021

Respondent THE ORCHARDS ON THE BRAZOS, LLC

Case ID No. 60768

Reg. Ent. Reference No. RN111113338

Media Public Water Supply

Enf. Coordinator Carlos Molina

mpliance Hist Component	ory <i>Site</i> Enhancement (Subtotal 2) Number of	Number	Adjust			
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	2	10%			
	Other written NOVs	1	2%			
	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%			
Orders	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	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%			
Decrees	nd Consent Any adjudicated final court judgments and default judgments or non-adjudicated final		0%			
Convictions	Convictions Any criminal convictions of this state or the federal government (number of counts)					
Emissions	Emissions Chronic excessive emissions events (number of events)					
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%			
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%			
	Environmental management systems in place for one year or more	No	0%			
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%			
Other	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 Percentag	ge (Subto	tal 2)			
Repeat Violator	(Subtotal 3)					
N/A	Adjustment Percentag	ge (Subto	tal 3)			
ompliance Hist	ory Person Classification (Subtotal 7)					
Unclass	ified Adjustment Percentag	ge (Subto	tal 7)			
Compliance Hist	ory Summary					
Compliance History Notes	Enhancement for two NOVs with the same/similar violations, one NOV with dissimilar and one agreed order containing a denial of liability.	violations,				
	Total Compliance History Adjustment Percentage (Subto	tals 2, 3,	& <i>7</i>)			
nal Compliance	History Adjustment	_				
	Final Adjustment Percentage *	capped at	100%			

	Screening Date	22-Sep-2021		Docl	cet No. 2021-0753-P	NS-E	PCW
	Respondent	THE ORCHARDS	ON THE BRA	ZOS, LLC		Policy F	Revision 5 (January 28, 2021)
	Case ID No.					PCV	V Revision February 11, 2021
Reg.	Ent. Reference No.	RN111113338					
		Public Water Su	ıpply				
	Enf. Coordinator						
	Violation Number	1					
	Rule Cite(s)		30 Te	x Admin Coc	e § 290.46(q)(1)		
			30 102	v. Admin. cod	c g 250.40(q)(1)		
) to the customers of th		
	Violation Description				sing the prescribed for		
	•	Admin. Code §			BWN was not issued wit sinfectant residual on J		
		the 0.0 min	nigram per nice	si (ilig/L) di	Simectant residual on J	uly 9, 2021.	
						Base Penalty	\$5,000
>> Env	vironmental, Prope	rty and Hum	Harm	Matrix			
	Release	Major	Moderate	Minor			
OR	Actual		110000				
	Potential	Х			Percent 1	5.0%	
>>Pro	grammatic Matrix	Maria	Marilanda	NA'			
	Falsification	Major	Moderate	Minor	Percent	0.00/	
					Percent	0.0%	
	E. II I I.					. 1	
					affected customers to t ch could expose person		
					els protective of human		
	ruem	cy to containing	its willen wou	ia execed lev	cis protective of fidinar	nearth	
					Adjustment	\$4,250	
					7 lujusumeme	ψ ./ <u>2</u> 00	
							\$750
Violatio	on Events						
Violatio	on Events						
	Number of \	Violation Events	1		75 Number of vi	olation days	
		_					
		daily					
		weekly					
		monthly			Violetia	n Paca Donaltu	¢7E0
		quarterly semiannual			Violatio	n Base Penalty	\$750
		annual					
		single event	X				
			One single e	vent is recom	mended.		
			0.0%			Reduction	\$0
Good F	aith Efforts to Com	ply	010 /01				Ψ0
Good F	aith Efforts to Com	В		NOE/NOV to EDF	RP/Settlement Offer	Reduction	Ψ
Good F	aith Efforts to Com			NOE/NOV to EDI	RP/Settlement Offer	Reduction	Ψ0
Good F	aith Efforts to Com	В		NOE/NOV to EDI	RP/Settlement Offer	Reddellon	40
Good F	aith Efforts to Com	B Extraordinary		NOE/NOV to EDI	PR/Settlement Offer	Reddedon	40
Good F	aith Efforts to Com	Extraordinary Ordinary N/A	efore NOE/NOV				40
Good F	aith Efforts to Com	B Extraordinary Ordinary	efore NOE/NOV	dent does not	meet the good faith criviolation.		\$0
Good F	aith Efforts to Com	Extraordinary Ordinary N/A	efore NOE/NOV	dent does not	meet the good faith cri		40
Good F	aith Efforts to Com	Extraordinary Ordinary N/A	efore NOE/NOV	dent does not	meet the good faith cri violation.	teria	
		Extraordinary Ordinary N/A Notes	x The Respond	dent does not	meet the good faith cri violation.	t <mark>eria</mark> lation Subtotal	\$750
	aith Efforts to Com	Extraordinary Ordinary N/A Notes	x The Respond	dent does not	meet the good faith cri violation.	t <mark>eria</mark> lation Subtotal	
	nic Benefit (EB) for	Extraordinary Ordinary N/A Notes	x The Respond	dent does not	meet the good faith criviolation. Vio	t <mark>eria</mark> lation Subtotal	
	nic Benefit (EB) for	Extraordinary Ordinary N/A Notes	The Respond	dent does not for this	meet the good faith criviolation. Vio	lation Subtotal Limit Test	\$750

	E	conomic	Benefit	Wor	ksheet						
		S ON THE BRAZO	OS, LLC								
Case ID No.											
Reg. Ent. Reference No.							Years of				
Violation No.	Public Water S	шрріу				Percent Interest	Depreciation				
Violation No.	1					5.0	15				
	Thom Cook	Data Bassinad	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount				
Thoma Donovintion	Item Cost	Date Required	rinai Date	TIS	Interest Saveu	Costs Saved	EB Amount				
Item Description											
Delayed Costs											
Equipment 0.00 \$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	\$100	10-Jul-2021	2-Oct-2022	1.23	\$6	n/a	\$6				
Remediation/Disposal				0.00	\$0	n/a	\$0				
Permit Costs	1100	10 7 1 0001		0.00	\$0	n/a	\$0				
Other (as needed)	\$100	10-Jul-2021	2-Oct-2022	1.23	\$6	n/a	\$6				
Notes for DELAYED costs	The Training protocol the format and pro issuance, c	date the E g/Sampling delaye at is to be followe rovided to the Exe alculated from the	BWN was required cost includes do to ensure boil cutive Director date of BWN v	the esting water nowithin 2 was due complia	e estimated date of mated amount to otifications are iss 4 hours or no late to the Executive Dance.	develop and implem ued to customers in r than the next bus Director to the estim	ent a written the specific ness day after ated date of				
Avoided Costs	ANNU	ALIZE avoided c	osts before er			one-time avoided					
Disposal				0.00	\$0 \$0	\$0	\$0				
Personnel				0.00	\$0 \$0	\$0 #0	\$0 #0				
Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$0	\$0 \$0				
Supplies/Equipment Financial Assurance				0.00	\$0 \$0	\$0 \$0	\$0 \$0				
ONE-TIME avoided costs				0.00	\$0	\$0	\$0				
Other (as needed)				0.00	\$0	\$0	\$0				
Notes for AVOIDED costs				1. 0.00	, ψυ	, 40	***				
Approx. Cost of Compliance		\$200			TOTAL		\$12				

	Scre	ening Date	22-Sep-2021		Dock	cet No. 2021-0753-PWS-E	P	CW
	R	Respondent	THE ORCHARDS O	N THE BRA	ZOS, LLC		Policy Revision 5 (January 2	28, 2021)
		Case ID No.					PCW Revision February	11, 2021
Reg.	Ent. Ref	erence No.	RN111113338					
		Media	Public Water Suppl	У				
		coordinator						
	Viola	ation Number						
		Rule Cite(s)	30 Tex. Admin.			and $290.110(b)(4)$ and Tex. H	ealth &	
				9	Safety Code § 3	41.0315(c)		
						of at least 0.2 mg/L of free ch		
	Violatio	n Description				nes. Specifically, on July 9, 202 /L was measured at 10088 Ord		
			Ciliorine residue	ai concenti	Boulevard (illarus	
					200.070.0 (
						Base	Penalty	\$5,000
>> En	vironme	ntal, Propei	rty and Human		Matrix			
		Release	Major M	Harm loderate	Minor			
OR		Actual		louerate	MILIOI			
OK		Potential	X			Percent 15.0%		
		roteritiai	Λ			15.0 %		
>>Pro	gramma	tic Matrix						
,,,,,	gramma	Falsification	Major M	1oderate	Minor			
						Percent 0.0%		
				"				
	Matrix	Failure				e persons served by the Facility	to	
	Notes		Containinants wind	iii would ex	cceed levels pro	tective of human health.		
						Adjustment	\$4,250	
								÷750
								\$750
Violati	on Even	te						
Violati	OII LVEII	LS						
		Number of \	/iolation Events	1		14 Number of violation of	lavs	
					<u> </u>		,	
			daily					
			weekly					
			monthly	Х				
			quarterly			Violation Base	Penalty	\$750
			semiannual					
			annual					
			single event					
		One monthly	event is recommen	ded, calcul	ated from the i	nvestigation date of July 9, 202	21 to the	
			da	ate of comp	oliance of July 2	3, 2021.		
Good F	Faith Eff	orts to Com	ply	25.0%			Reduction	\$187
					NOE/NOV to EDPF	P/Settlement Offer	10000000	
			Extraordinary					
			Ordinary	х				
			N/A					
			,					
			Notes Th	ne Respond	lent achieved c	ompliance on July 23, 2021.		
						, ,		
						Violation	Subtotal	\$563
	!	CH (ED) C	Alain			Ct-tt-	Task	
Econo	mic Bene	erit (FR) tor	this violation			Statutory Limit	rest	
		Estimate	ed EB Amount		\$0	Violation Final Pena	Ity Total	\$804
1				This viol	ation Final As	sessed Penalty (adjusted fo	r limits)	\$804

	E	conomic	Benefit	Woı	rksheet		
		OS ON THE BRAZO	S, LLC				
Case ID No.							
Reg. Ent. Reference No.							Years of
Violation No.	Public Water S 2	оцрріу				Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs		1		7	1	10	10
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed) Engineering/Construction				0.00	\$0	\$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)	\$200	9-Jul-2021	23-Jul-2021	0.04	\$0	n/a	\$0
						se of noncompliance ant residual of at lea	
Notes for DELAYED costs		•				nvestigation date to	
				compli	ance.		
Avoided Costs	ANNU	ALIZE avoided c	osts before er	tering	item (except for	one-time avoided	l 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 ONE-TIME avoided costs				0.00	\$0 \$0	\$0 \$0	\$0 \$ 0
Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0
Other (as needed)		1		0.00	30	\$0	\$0
Notes for AVOIDED costs							
<u>.</u> 		1					
Approx. Cost of Compliance		\$200			TOTAL		\$0

	Screening Date			et No. 2021-0753-PWS-E	PCW
	Respondent	THE ORCHARDS ON THE	BRAZOS, LLC		Policy Revision 5 (January 28, 2021)
	Case ID No.				PCW Revision February 11, 2021
Reg.	Ent. Reference No.				
		Public Water Supply			
	Enf. Coordinator				
	Violation Number	3			
	Rule Cite(s)		30 Tex. Admin. Cod	le § 290.46(t)	
		Failed to nost a legible	sign at the Facility's	s production, treatment, and sto	rage
		facilities that contains th		y and an emergency telephone r	
	Violation Description			d. Specifically, there was no own	
			sign at the wa	ter plant.	
				Page D	dE 000
				Base P	enalty \$5,000
>> Env	rironmental, Prope	rty and Human Hea	Ith Matrix		
		Harm	l		
OB	Release		te Minor		
OR	Actual Potential			Percent 0.0%	
	Potential			Percent 0.0%	
>>Proc	grammatic Matrix				
, ,	Falsification	Major Modera	te Minor		
		Х		Percent 10.0%	
	Matrix				
	Notes	100% of the	rule requirements w	vere not met.	
				Adjustment	\$4,500
				Aujustinent	\$1,500
					\$500
V:-I-4:-					
violatio	on Events				
	Number of V	Violation Events 1		75 Number of violation day	/S
		daily			
		weekly			
		monthly			
		quarterly		Violation Base P	enalty \$500
		semiannual annual			
		single event x			
		angle event			
		One sir	gle event is recomm	nended.	
Good F	aith Efforts to Com	unly 0.0	0%	Por	duction \$0
Good I	aith Liferts to com		NOV NOE/NOV to EDPR		iuction 40
		Extraordinary			
		Ordinary			
		N/A x			
				and the second facility and the size for the	
		Notes The Resp	ondent does not me this vio	et the good faith criteria for	
			tilis vio	lation.	
				Violation Su	ıbtotal \$500
				Violation St	\$300
Econon	nic Benefit (EB) for	this violation		Statutory Limit To	est
	Fstimat	ed EB Amount	\$4	Violation Final Penalty	v Total \$661
	25				
		This	violation Final Ass	sessed Penalty (adjusted for	limits) \$661

	E	conomic	Benefit	Woı	rksheet		
Respondent	THE ORCHARI	OS ON THE BRAZO	S, LLC				
Case ID No.	60768						
Reg. Ent. Reference No.							
	Public Water S					Percent Interest	Years of Depreciation
Violation No.	3					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$50	9-Jul-2021	1-Nov-2022	1.32	\$0	\$4	\$4
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	information a	t the water plant,	calculated from	the inv	estigation date to	n that contains the the estimated date	of compliance.
Avoided Costs	ANNU	ALIZE avoided C	osts before ei			one-time avoided	
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		\$50			TOTAL		\$4

	Screening Date				et No. 2021-0753-PWS-E		PCW
	Respondent	THE ORCHARDS (ON THE BRA	AZOS, LLC		Policy Revision 5 (January 28, 2021)
	Case ID No.	60768				PCW Revision I	February 11, 2021
Reg.	Ent. Reference No.	RN111113338					
	Media	Public Water Supp	ply				
	Enf. Coordinator	Carlos Molina					
	Violation Number	4					
	Rule Cite(s)	30 Tex. Adm	nin. Code 8	290.46(f)(2), (f)((3)(A)(i)(III), and (f)(3)(A)(ii)(II	II)	
			3	=======================================	(-)(-)(-)(-)(-)		
		Falled by accidents					
					d maintenance records and make Director upon request. Specific		
	Violation Description			•	d each week and the amount of		
					aintained on-site for review.		
					Base P	Penalty	\$5,000
>> Em	vironmental, Prope	sty and Huma	n Haalth	Matrix			
// EII	vironinientai, Prope	ity and numa	Harm	Matrix			
	Release	Major	Moderate	Minor			
OR	Actual						
	Potential				Percent 0.0%		
>>Pro	grammatic Matrix						
	Falsification	Major	Moderate	Minor			
				X	Percent 1.0%		
	Matrix						
	Notes	Less than	30% of the	rule requiremen	ts were not met.		
					A disconnection	±4.0F0	
					Adjustment	\$4,950	
							\$50
Violati	on Events						
			. 1	, <u> </u>			
	Number of '	/iolation Events	1		75 Number of violation day	y S	
		daily		Ī			
		daily weekly					
		monthly					
		quarterly			Violation Base P	Penalty	\$50
		semiannual				,	450
		annual					
		single event	Х				
				<u>.</u>			
			One single	event is recomme	ended.		
Good F	aith Efforts to Com	nly	0.0%		Dog	duction	\$0
Coou I	a.t. Litores to com		ore NOE/NOV	NOE/NOV to EDPRP,		addioif	Ψ0
		Extraordinary	,	,			
		Ordinary					
		N/A	Х				
		Notes	he Respond		et the good faith criteria for		
				this viola	ation.		
		<u> </u>					
					Violation Su	ıbtotal	\$50
Eas	mic Donofit (FD) for	. Albia vistekien			Chahuda and Line't T		
conoi	mic Benefit (EB) for	this violation			Statutory Limit To	est	
	Estimat	ed EB Amount		\$3	Violation Final Penalty	y Total	\$66
			This vio	lation Final Ass	essed Penalty (adjusted for	limits)	\$66

Economic Benefit Worksheet										
Respondent	THE ORCHARI	OS ON THE BRAZO	OS, LLC							
Case ID No.	60768									
Reg. Ent. Reference No.	RN111113338	}								
	Public Water S					Percent Interest	Years of Depreciation			
						5.0	15			
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount			
Item Description										
•										
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	\$45	9-Jul-2021	2-Oct-2022	1.23	\$3	n/a	\$3			
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	records ar	nd make them imn calculated fro	nediately availal om investigation	ole for ir date to	nspection upon req the estimated dat	<u> </u>	ve Director,			
Avoided Costs	ANNU	ALIZE avoided o	osts before er		•	one-time avoided				
Disposal				0.00	\$0	\$0	\$0			
Personnel				0.00	\$0	\$0 \$0	\$0			
Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$0	\$0 \$0			
Supplies/Equipment Financial Assurance				0.00	\$0 \$0	\$0 \$0	\$0 \$0			
ONE-TIME avoided costs		1		0.00	\$0	\$0	\$0			
Other (as needed)				0.00	\$0	\$0	\$0			
Notes for AVOIDED costs		<u>,,, , , , , , , , , , , , , , , , , , </u>		<u>ji 0.00</u>	<u>, 40</u>	<u> </u>	Ψ0			
Approx. Cost of Compliance		\$45			TOTAL		\$3			

	Screening	Date	22-Sep-2021		Dock	cet No. 2021-0753-PWS-E		PCW
	Respor	ndent	THE ORCHARD	S ON THE BR	AZOS, LLC		Policy Rev	ision 5 (January 28, 2021)
	Case I	D No.	60768				PCW R	evision February 11, 2021
Reg.	Ent. Reference	e No.	RN111113338					
	P	Media	Public Water S	upply				
	Enf. Coordi	nator	Carlos Molina	_				
	Violation N	umber	5					
	Rule (Cite(s)		30 Tex	Admin Code 8	290.110(c)(4)(A)		
				30 107	a. Admin. code 9	250.110(c)(4)(A)		
			Entrad to accord		aka ak aradah alah		de estable e	
	Violation Desc	ription	railed to moni			representative locations througonce every seven days.	nout the	
				distribution	system at least	office every severi days.		
		L						
						Base	Penalty	\$5,000
			_					
>> En	vironmental, I	Proper	rty and Hun		Matrix			
	_		Major	Harm	Minor			
OR	K	elease Actual	Major	Moderate	Minor			
OK	D	otential				Percent 15.0%		
		otential	Х			13.0%		
>>Pro	grammatic Ma	atriv						
//110		ication	Major	Moderate	Minor			
						Percent 0.0%		
				1	<u>'</u>			
	Failur	e to moi	nitor the disinfe	ectant residua	l at representati	ve locations throughout the dist	ribution	
	Matrix				•	is served by the Facility to cont		
	Notes					of human health.		
						Adjustment	\$4,250	
							<u> </u>	\$750
Violati	on Events							\$730
Violati	on Events							\$730
Violati		nber of V	/iolation Events	3	1 -	75 Number of violation d	avs	0 07¢
Violati		nber of V	/iolation Events	3	I 🗆	75 Number of violation d	ays	\$730
Violati		nber of V	iolation Events/	3] <u> </u>	75 Number of violation d	ays	\$730
Violati		nber of V		3] <u> </u>	75 Number of violation d	ays	\$730
Violati		nber of V	daily	3 x		75 Number of violation d	ays	\$730
Violati		nber of V	daily weekly			75 Number of violation d Violation Base	_	\$2,250
Violati		nber of V	daily weekly monthly				_	
Violati		nber of V	daily weekly monthly quarterly				_	
Violati		nber of V	daily weekly monthly quarterly semiannual				_	
Violati		nber of V	daily weekly monthly quarterly semiannual annual				_	
Violati	Num		daily weekly monthly quarterly semiannual annual single event	X	calculated from t		Penalty	
Violati	Num		daily weekly monthly quarterly semiannual annual single event	x x commended,	calculated from the	Violation Base the investigation date of July 9,	Penalty	
Violati	Num		daily weekly monthly quarterly semiannual annual single event	x x commended,		Violation Base the investigation date of July 9,	Penalty	
	Num	monthly	daily weekly monthly quarterly semiannual annual single event	x commended,	late of Septembo	Violation Base the investigation date of July 9, er 22, 2021.	Penalty 2021 to	
	Num	monthly	daily weekly monthly quarterly semiannual annual single event y events are re	x x commended,	date of Septembo	Violation Base the investigation date of July 9, er 22, 2021.	Penalty	\$2,250
	Num	monthly	daily weekly monthly quarterly semiannual annual single event y events are re	x commended, one screening of the screen	date of Septembo	Violation Base the investigation date of July 9, er 22, 2021.	Penalty 2021 to	\$2,250
	Num	monthly	daily weekly monthly quarterly semiannual annual single event y events are re ti ply Extraordinary	x commended, ne screening c 0.0% Before NOE/NOV	date of Septembo	Violation Base the investigation date of July 9, er 22, 2021.	Penalty 2021 to	\$2,250
	Num	monthly	daily weekly monthly quarterly semiannual annual single event y events are re	x commended, ne screening c 0.0% Before NOE/NOV	date of Septembo	Violation Base the investigation date of July 9, er 22, 2021.	Penalty 2021 to	\$2,250
	Num	monthly	daily weekly monthly quarterly semiannual annual single event y events are re ti ply Extraordinary Ordinary	x commended, ne screening c 0.0% Before NOE/NOV	NOE/NOV to EDPR	violation Base the investigation date of July 9, er 22, 2021. R P/Settlement Offer	Penalty 2021 to	\$2,250
	Num	monthly	daily weekly monthly quarterly semiannual annual single event y events are re ti ply Extraordinary Ordinary	x commended, ne screening c 0.0% Before NOE/NOV x The Response	NOE/NOV to EDPR	violation Base the investigation date of July 9, er 22, 2021. R P/Settlement Offer eet the good faith criteria for	Penalty 2021 to	\$2,250
	Num	monthly	daily weekly monthly quarterly semiannual annual single event y events are re ti ply Extraordinary Ordinary N/A	x commended, ne screening c 0.0% Before NOE/NOV x The Response	NOE/NOV to EDPR	violation Base the investigation date of July 9, er 22, 2021. R P/Settlement Offer eet the good faith criteria for	Penalty 2021 to	\$2,250
	Num	monthly	daily weekly monthly quarterly semiannual annual single event y events are re ti ply Extraordinary Ordinary N/A	x commended, ne screening c 0.0% Before NOE/NOV x The Response	NOE/NOV to EDPR	Violation Base the investigation date of July 9, er 22, 2021. R P/Settlement Offer eet the good faith criteria for plation.	Penalty 2021 to eduction	\$2,250 \$0
	Num	monthly	daily weekly monthly quarterly semiannual annual single event y events are re ti ply Extraordinary Ordinary N/A	x commended, ne screening c 0.0% Before NOE/NOV x The Response	NOE/NOV to EDPR	violation Base the investigation date of July 9, er 22, 2021. R P/Settlement Offer eet the good faith criteria for	Penalty 2021 to eduction	\$2,250
Good I	Three	o Com	daily weekly monthly quarterly semiannual annual single event y events are re ti ply Extraordinary N/A Notes	x commended, one screening of the screen	NOE/NOV to EDPR	Violation Base the investigation date of July 9, er 22, 2021. R P/Settlement Offer eet the good faith criteria for plation. Violation S	Penalty 2021 to eduction	\$2,250 \$0
Good I	Num	o Com	daily weekly monthly quarterly semiannual annual single event y events are re ti ply Extraordinary N/A Notes	x commended, one screening of the screen	NOE/NOV to EDPR	Violation Base the investigation date of July 9, er 22, 2021. R P/Settlement Offer eet the good faith criteria for plation.	Penalty 2021 to eduction	\$2,250 \$0
Good I	Three Faith Efforts to	o Com	daily weekly monthly quarterly semiannual annual single event y events are re ti ply Extraordinary Ordinary N/A Notes	x commended, ne screening c 0.0% Before NOE/NOV X The Respond	NOE/NOV to EDPR	Violation Base the investigation date of July 9, er 22, 2021. R P/Settlement Offer eet the good faith criteria for plation. Violation S Statutory Limit	Penalty 2021 to eduction Subtotal Test	\$2,250 \$0 \$2,250
Good I	Three Faith Efforts to	o Com	daily weekly monthly quarterly semiannual annual single event y events are re ti ply Extraordinary N/A Notes	x commended, ne screening c 0.0% Before NOE/NOV X The Respond	NOE/NOV to EDPR	Violation Base the investigation date of July 9, er 22, 2021. R P/Settlement Offer eet the good faith criteria for plation. Violation S	Penalty 2021 to eduction Subtotal Test	\$2,250 \$0

	E	conomic	Benefit	Wor	rksheet		
Respondent THE ORCHARDS ON THE BRAZOS, LLC							
Case ID No.	Case ID No. 60768						
Reg. Ent. Reference No.	RN111113338						
Media Violation No.	Public Water S	upply				Percent Interest	Years of Depreciation
Violation No.	3					5.0	15
	Ttem Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description		24.00 11044					
Tem Description							
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)	\$10	9-Jul-2021	2-Oct-2022	1.23	\$1	n/a	\$1
Notes for DELAYED costs	seven days	(\$10 per week), o	alculated from t	he inve	stigation date to th	ctant residual at leas ne estimated date o	f compliance.
Avoided Costs	ANNU	ALIZE avoided c	osts before en			one-time avoided	
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	110	0.7.1.2024	22.0 2021	0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$10	9-Jul-2021	22-Sep-2021	0.21	\$0	\$10	\$10
Other (as needed) Notes for AVOIDED costs	The avoided cost includes the estimated amount to monitor the disinfectant residual at least once every						
Approx. Cost of Compliance		\$20			TOTAL		\$11

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

Commission Co

Compliance History Report

Compliance History Report for CN604324152, RN111113338, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or CN604324152, THE ORCHARDS ON THE

Classification: UNCLASSIFIED

Rating: -----

Owner/Operator:

BRAZOS, LLC

Regulated Entity:RN111113338, THE ORCHARDS ON THE BRAZOS

Classification: NOT APPLICABLE

Rating: N/A

Complexity Points:

NI/A

N/A

Repeat Violator: N/A

CH Group:

14 - Other

Location:

1974 COUNTY ROAD 307 IN CLEBURNE, SOMERVELL COUNTY, TEXAS

TCEQ Region:

REGION 04 - DFW METROPLEX

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2130046

Agency Decision Requiring Compliance History:

Compliance History Period:

September 01, 2016 to August 31, 2021

Rating Year: 2021

Rating Date: 09/01/2021

_ . _ _

t Prepared: February 25, 2022

....g = a.c.

Date Compliance History Report Prepared:

ebidaiy 23, 2022

Enforcement

Component Period Selected:

February 25, 2017 to February 25, 2022

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

Name: Carlos Molina

Phone: (512) 239-2557

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period?

NO YES

2) Has there been a (known) change in ownership/operator of the site during the compliance period?

The Orchards on the Brazos, LLC OWNER since 10/8/2020

3) Who is the current owner/operator?4) Who was/were the prior owner(s)/operator(s)?

Aqua Texas, Inc., OWNER, 6/29/2021 to 6/29/2021

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

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

Effective Date: 11/30/2021 ADMINORDER 2020-1529-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)

Description: Failure to obtain approval to use the well before placing it into service. A12d(1), MAJOR(1)(B)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)

5A THSC Chapter 341, SubChapter A 341.033(a)

Description: Failure to have a licensed operator. A3.b, MOD(2)(C)

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.39(e)(1)

30 TAC Chapter 290, SubChapter D 290.39(h)(1) 5A THSC Chapter 341, SubChapter A 341.035(a)

Description: Failure to obtain approval for engineering plans and specifications prior to constructing a community public water

system. A12d.1, MAJOR(1)(B)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)

30 TAC Chapter 290, SubChapter F 290.110(b)(4)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to maintain a disinfectant residual of at least 0.2 milligrams per liter (mg/L) free chlorine at the entry

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

NI/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.

1 Date: 03/17/2021 (1710639)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)

30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F) 30 TAC Chapter 290, SubChapter F 290.109(g)(4) 30 TAC Chapter 290, SubChapter F 290.109(g)(5)

40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1) 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c) 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)

Description: RTCR Routine MR Violation 01/2021 - Failure to collect and/or submit all routine

monitoring sample(s) within the required timeline.

2 Date: 03/31/2021 (1710639)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.106(c)(4) 30 TAC Chapter 290, SubChapter F 290.106(c)(9) 30 TAC Chapter 290, SubChapter F 290.106(e)

Description: CN MR YR2020 - The system failed to monitor and/or report cyanide levels to the TCEQ

for the annual monitoring period from 01/01/2020 to 12/31/2020 within the required

timeline.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.106(c)(4)
30 TAC Chapter 290, SubChapter F 290.106(c)(9)
30 TAC Chapter 290, SubChapter F 290.106(e)

Description: MTL/MIN MR YR2020 - The system failed to monitor and/or report metal/mineral levels

to the TCEQ for the annual monitoring period from 01/01/2020 to 12/31/2020 within

the required timeline.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.106(c)(5) 30 TAC Chapter 290, SubChapter F 290.106(c)(9) 30 TAC Chapter 290, SubChapter F 290.106(e)

Description: ASB MR YR2020 - The system failed to monitor and/or report asbestos levels to the

TCEQ for the annual monitoring period from 01/01/2020 to 12/31/2020 within the

required timeline.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.106(c)(7)
30 TAC Chapter 290, SubChapter F 290.106(c)(9)
30 TAC Chapter 290, SubChapter F 290.106(e)

Description: NO2 MR YR2020 - The system failed to monitor and/or report nitrite levels to the TCEQ

for the annual monitoring period from 01/01/2020 to 12/31/2020 within the required

timeline.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.107(c)(1) 30 TAC Chapter 290, SubChapter F 290.107(e)

Description: SOC MR 4Q2020 - The system failed to monitor and/or report synthetic organic

contaminants levels to the TCEQ for the quarterly monitoring period from 10/01/2020

to 12/31/2020 within the required timeline.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.107(c)(2)

30 TAC Chapter 290, SubChapter F 290.107(e)

Description: VOC MR 4Q2020 - The system failed to monitor and/or report volatile organic

contaminants levels to the TCEQ for the quarterly monitoring period from 10/01/2020

to 12/31/2020 within the required timeline.

3 Date: 04/01/2021 (1710639)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 4Q2020 - The system failed to monitor and/or report distribution

disinfectant residuals to the TCEQ for the 4th quarter of 2020 within the required

timeline.

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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
THE ORCHARDS ON THE	§	TEAAS COMMISSION ON
BRAZOS, LLC	§	
RN11113338	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-0753-PWS-E

I. JURISDICTION AND STIPULATIONS

On	, the Texas Commission on Environmental Quality ("the
Commission" or "TCEQ") c	onsidered this agreement of the parties, resolving an enforcement
action regarding THE ORC	HARDS ON THE BRAZOS, LLC (the "Respondent") under the
authority of TEX. WATER Co	DDE ch. 5 and TEX. HEALTH & SAFETY CODE ch. 341. The Executive
Director of the TCEQ, thro	ugh the Enforcement Division, and the Respondent together stipulate
that:	

- 1. The Respondent owns and operates a public water supply located at 1974 County Road 307 in Cleburne, Somervell County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 21 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 Tex. Admin. Code § 290.38(71).
- 2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to Tex. Water Code § 7.002 and Tex. Health & Safety Code § 341.049, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to Tex. Water Code § 5.013 and Tex. Health & Safety Code § 341.031 because it alleges violations of Tex. Water Code ch. 5, Tex. Health & Safety Code ch. 341, 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 \$16,107 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$12,887 of the penalty and \$3,220 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 implemented the following corrective measures at the Facility:
 - a. By maintaining a disinfectant residual of at least 0.2 milligram per liter ("mg/L") of free chlorine throughout the distribution system on July 23, 2021;
 - b. By collecting and reporting volatile organic chemical ("VOC") contaminants and synthetic organic chemical ("SOC") contaminants (Methods 504, 515, and 531) on July 30, 2021;
 - c. By collecting and reporting SOC contaminants Group 5 on September 3, 2021; and
 - d. By submitting Disinfection Level Quarterly Operating Report ("DLQOR") on December 21, 2021.

II. ALLEGATIONS

- 1. During a record review conducted on April 19, 2021 through April 30, 2021, an investigator documented that the Respondent:
 - a. Failed to collect and report the results of cyanide, metals, minerals, asbestos, and nitrite sampling to the Executive Director for the January 1, 2020 through December 31, 2020 monitoring period, in violation of 30 TEX. ADMIN. CODE § 290.106(c) and (e);
 - b. Failed to collect and report the results of VOC contaminants and SOC contaminants (Methods 504, 515, and 531) sampling to the Executive Director for the October 1, 2020 through December 31, 2020 monitoring period, in violation of 30 Tex. Admin. Code § 290.107(c) and (e);

- c. Failed to collect and report the results of SOC contaminants Group 5 sampling to the Executive Director for the October 1, 2020 through December 31, 2020 monitoring period, in violation of 30 TEX. ADMIN. CODE § 290.107(c) and (e); and
- d. Failed to submit a DLQOR to the Executive Director by the tenth day of the month following the end of each quarter for the fourth quarter of 2020, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3).
- 2. During a record review conducted on May 17, 2021, an investigator documented that the Respondent failed to pay annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 92130046 for Fiscal Year 2021, in violation of 30 Tex. Admin. Code § 290.51(a)(6) and Tex. Water Code § 5.702.
- 3. During an investigation conducted on July 9, 2021 through July 23, 2021, an investigator documented that the Respondent:
 - a. Failed to issue a boil water notice ("BWN") to the customers of the Facility within 24 hours of a low disinfectant residual using the prescribed format in 30 TEX. ADMIN. CODE § 290.47(c), in violation of 30 TEX. ADMIN. CODE § 290.46(q)(1). Specifically, a BWN was not issued within 24 hours of the 0.0 mg/L disinfectant residual on July 9, 2021;
 - b. Failed to maintain a disinfectant residual of at least 0.2 mg/L of free chlorine throughout the distribution system at all times, in violation of 30 Tex. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c). Specifically, on July 9, 2021, a free chlorine residual concentration of 0.0 mg/L was measured at 10088 Orchards Boulevard (Lot 23);
 - c. Failed to post a legible sign at the Facility's production, treatment, and storage facilities that contains the name of the Facility and an emergency telephone number where a responsible official can be contacted, in violation of 30 TEX. ADMIN. CODE § 290.46(t). Specifically, there was no ownership sign at the water plant;
 - d. Failed to maintain water works operations and maintenance records and make them readily available for review by the Executive Director upon request, in violation of 30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(i)(III), and (f)(3)(A)(ii)(III). Specifically, records of the amount of each chemical used each week and the amount of water distributed each week were not maintained on-site for review; and
 - e. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days, in violation of 30 Tex. ADMIN. CODE § 290.110(c)(4)(A).

III. DENIALS

The Respondent generally deny 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: THE ORCHARDS ON THE BRAZOS, LLC, Docket No. 2021-0753-PWS-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. Immediately upon the effective date of this Order, issue a BWN for THE ORCHARDS ON THE BRAZOS, LLC, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 30 days after the effective date of this Order:
 - i. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 92130046. The payment shall be sent with the notation "THE ORCHARDS ON THE BRAZOS, LLC, Financial Administration Account No. 92130046" to the address listed in Ordering Provision No. 1, above;
 - ii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results for cyanide, metal, mineral, asbestos, and nitrite are collected, analyzed, and released by the Facility's laboratories and timely reported to the Executive Director within the first ten days following the month in which the result is received by the Facility, or the first ten days following the end of the required monitoring period, whichever is first, in accordance 30 Tex. Admin. Code § 290.106;
 - iii. Collect the required number of cyanide, metal, mineral, asbestos, and nitrite samples, have the samples analyzed, and report the results to the Executive Director within the first ten days following the month in which the results are received by the Facility, or the first ten days following the

end of the required monitoring period, whichever is first, in accordance with 30 Tex. Admin. Code § 290.106. This provision will be satisfied upon the timely delivery of all sampling results to the Executive Director for one compliant annual monitoring period;

- iv. Develop a written protocol to ensure that all future BWNs for low disinfectant residuals are provided to customers of the Facility within 24 hours, in accordance with 30 TEX. ADMIN. CODE § 290.46;
- v. Compile and maintain properly completed water works operations and maintenance records, including records of the amount of each chemical used each week and the amount of water distributed each week, in accordance with 30 Tex. Admin. Code § 290.46; and
- vi. Monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days, in accordance with 30 Tex. Admin. Code § 290.110.
- c. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a, 2.b.ii, and 2.b.iv through 2.b.vi.
- d. Within 60 days after the effective date of this Order, provide a legible sign at each production, treatment, and storage facility with an emergency phone number where a responsible official can be contacted, in accordance with 30 Tex. Admin. Code § 290.46.
- e. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d.
- f. Within 410 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.b.iii. 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 Dallas/Fort Worth Regional Office Texas Commission on Environmental Quality 2309 Gravel Drive Fort Worth, Texas 76118-6951

with a copy to:

Drinking Water Special Functions Section Manager Water Supply Division, MC 155 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-308

- 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. 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.
- 6. 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.
- 7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or

THE ORCHARDS ON THE BRAZOS, LLC DOCKET NO. 2021-0753-PWS-E Page 7

issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under Tex. Bus. Org. Code § 1.002.

8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

THE ORCHARDS ON THE BRAZOS, LLC DOCKET NO. 2021-0753-PWS-E Page 8

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	Date
For the Executive Director	
I, the undersigned, have read and understand the the attached Order, and I do agree to the terms a acknowledge that the TCEQ, in accepting payme on such representation. I also understand that failure to comply with the and/or failure to timely pay the penalty amount,	and conditions specified therein. I further nt for the penalty amount, is materially relying Ordering Provisions, if any, in this Order
 A negative impact on compliance history; Greater scrutiny of any permit applications Referral of this case to the Attorney General additional penalties, and/or attorney fees, or Increased penalties in any future enforcement of the Attorney General to the Attorney General to TCEQ seeking other relief as authorized by 	al's Office for contempt, injunctive relief, or to a collection agency; ent actions; 's Office of any future enforcement actions; and
In addition, any falsification of any compliance d	locuments may result in criminal prosecution.
Signature	10/14/22 Date
Name (Printed or typed) Authorized Representative of THE ORCHARDS ON THE BRAZOS, LLC	President Title

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