

**Executive Summary – Enforcement Matter – Case No. 60927**  
**Undine Texas Environmental, LLC**  
**RN102060126**  
**Docket No. 2021-0871-IWD-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:**

IWD

**Small Business:**

No

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

Greens Bayou Fabrication Yard, 13600 Industrial Road, approximately 2.75 miles southeast of the intersection of Federal Road and IH-10, Houston, Harris County

**Type of Operation:**

Industrial and domestic wastewater facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** January 27, 2023

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$37,050

**Total Paid to General Revenue:** \$37,050

**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:** April 28, 2021

**Date(s) of NOE(s):** May 28, 2021

**Executive Summary – Enforcement Matter – Case No. 60927  
Undine Texas Environmental, LLC  
RN102060126  
Docket No. 2021-0871-IWD-E**

***Violation Information***

Failed to comply with permitted effluent limitations for ammonia nitrogen, total silver, and *Enterococci* [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0003792000, Effluent Limitations and Monitoring Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to, within 130 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0003792000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Ellen Ojeda, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-2581; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** William Thomas, Senior Vice President, Undine Texas Environmental, LLC, 17681 Telge Road, Cypress, Texas 77429

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	7-Jun-2021			
	<b>PCW</b>	28-Jun-2021	<b>Screening</b>	17-Jun-2021	<b>EPA Due</b>

<b>RESPONDENT/FACILITY INFORMATION</b>					
<b>Respondent</b>	Undine Texas Environmental, LLC				
<b>Reg. Ent. Ref. No.</b>	RN102060126				
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Minor		

<b>CASE INFORMATION</b>					
<b>Enf./Case ID No.</b>	60927	<b>No. of Violations</b>	2		
<b>Docket No.</b>	2021-0871-IWD-E	<b>Order Type</b>	Findings		
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No		
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Ellen Ojeda		
		<b>EC's Team</b>	Enforcement Team 1		
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000		

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$32,500</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	<b>14.0%</b>	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$4,550</b>
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Notes: Enhancement for three months of self-reported effluent violations.  
Reduction for one notice of intent to conduct an audit.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
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<b>Economic Benefit</b>	<b>0.0%</b>	Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$2,432  
Estimated Cost of Compliance: \$25,000  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$37,050</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	Adjustment	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$37,050</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$37,050</b>
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<b>DEFERRAL</b>	<b>0.0%</b>	Reduction	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	<b>\$37,050</b>
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**Screening Date** 17-Jun-2021

**Docket No.** 2021-0871-IWD-E

**PCW**

**Respondent** Undine Texas Environmental, LLC

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 60927

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN102060126

**Media** Water Quality

**Enf. Coordinator** Ellen Ojeda

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 14%

#### >> Repeat Violator (Subtotal 3)

No

**Adjustment Percentage (Subtotal 3)** 0%

#### >> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

#### >> Compliance History Summary

**Compliance History Notes**

Enhancement for three months of self-reported effluent violations. Reduction for one notice of intent to conduct an audit.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 14%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 14%

<b>Screening Date</b> 17-Jun-2021	<b>Docket No.</b> 2021-0871-IWD-E	<b>PCW</b>
<b>Respondent</b> Undine Texas Environmental, LLC		Policy Revision 5 (January 28, 2021)
<b>Case ID No.</b> 60927		PCW Revision February 11, 2021
<b>Reg. Ent. Reference No.</b> RN102060126		
<b>Media</b> Water Quality		
<b>Enf. Coordinator</b> Ellen Ojeda		

**Violation Number**

**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. WQ0003792000, Effluent Limitations and Monitoring Requirements No. 1

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

**Base Penalty**

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

<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	Major	Moderate		Minor
	Actual	x			
Potential				<b>Percent</b> <input style="width: 80px;" type="text" value="50.0%"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> <input style="width: 80px;" type="text" value="0.0%"/>

**Matrix Notes** Human health or the environment has been exposed to pollutants that 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	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty**

Two monthly events are recommended for the months of August 2020 and January 2021.

**Good Faith Efforts to Comply**

Reduction

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

**Notes** The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal**

**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** Undine Texas Environmental, LLC  
**Case ID No.** 60927  
**Reg. Ent. Reference No.** RN102060126  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25,000	31-Aug-2020	11-Aug-2022	1.95	\$2,432	n/a	\$2,432

#### Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and make any necessary repairs/adjustments to the Facility to return to compliance with the permitted effluent limitations. Date required is the end date of the first month of noncompliance and the final date is the estimated date of compliance.

### Avoided Costs

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

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

#### Notes for AVOIDED costs

Approx. Cost of Compliance

\$25,000

**TOTAL**

\$2,432

<b>Screening Date</b>	17-Jun-2021	<b>Docket No.</b>	2021-0871-IWD-E	<b>PCW</b>
<b>Respondent</b>	Undine Texas Environmental, LLC			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	60927			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN102060126			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Ellen Ojeda			

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0003792000, Effluent Limitations and Monitoring Requirements No. 1

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

**Base Penalty**

**>> 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 amount of pollutants exceeded levels protective of human health and the environment. Total Silver and Enterococci were also evaluated. 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 quarters containing the months of September 2020, October 2020 and December 2020.

**Good Faith Efforts to Comply**  Reduction

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

**Notes** The Respondent does not meet the good faith criteria for this violation.

**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** Undine Texas Environmental, LLC  
**Case ID No.** 60927  
**Reg. Ent. Reference No.** RN102060126  
**Media** Water Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and make any necessary repairs/adjustments to the Facility is captured in the Economic Benefit Worksheet for Violation No. 1.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

**TOTAL**

\$0



Undine Environmental, LLC  
Docket No. 2021-0871-IWD-E  
TPDES Permit No. WQ0003792000

Effluent Violation Table

Monitoring Period	<i>Enterococci</i>		Ammonia Nitrogen		Total Silver	
	Daily Average Conc.	Single Grab Conc.	Daily Average Conc.	Daily Maximum Conc.	Daily Average Conc.	Daily Maximum Conc.
	Limit= 35 CFU/100 mL	Limit= 104 CFU/100 mL	Limit= 3.0 mg/L	Limit= 10 mg/L	Limit= 0.013 mg/L	Limit= 0.027 mg/L
August 2020	79	2910	4.8	27.5	c	c
September 2020	c	118	c	c	c	c
October 2020	c	197	c	11.5	c	c
December 2020	c	c	N/A	N/A	0.015	0.032
January 2021	c	4840	N/A	N/A	c	c

Conc. = Concentration

CFU/100 mL = colony-forming units per 100 milliliters

c = compliant

mg/L = milligrams per liter

N/A = not applicable

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# Compliance History Report

Compliance History Report for CN604519330, RN102060126, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

**Customer, Respondent, or Owner/Operator:** CN604519330, Undine Texas Environmental, LLC **Classification:** SATISFACTORY **Rating:** 4.00  
**Regulated Entity:** RN102060126, GREENS BAYOU FABRICATION YARD **Classification:** SATISFACTORY **Rating:** 2.21  
**Complexity Points:** 10 **Repeat Violator:** NO  
**CH Group:** 14 - Other  
**Location:** 13600 Industrial Road, approximately 2.75 miles southeast of the intersection of Federal Road and Interstate Highway 10, Harris County, Texas  
**TCEQ Region:** REGION 12 - HOUSTON

## ID Number(s):

**AIR NEW SOURCE PERMITS REGISTRATION 10843** **AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0092I**  
**AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG9392W** **AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG5062F**  
**AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0092I**  
**RMITS AFS NUM 4820100198** **TIRES REGISTRATION 6533**  
**TIRES REGISTRATION 6024** **PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 12653**  
**STORMWATER PERMIT TXR05FP89** **WASTEWATER PERMIT WQ0003792000**  
**WASTEWATER EPA ID TX0100935** **AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0092I**

**Compliance History Period:** September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

**Date Compliance History Report Prepared:** April 08, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** April 08, 2017 to April 08, 2022

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

**Name:** Ellen Ojeda

**Phone:** (512) 239-2581

## Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five-year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? YES
- 3) Who is the current owner/operator?  
Kellogg Brown & Root, Inc. OWNER OPERATOR since 1/1/1800  
Industrial Terminals, LP OWNER OPERATOR since 1/1/1800  
T & I Taylor, Inc. OWNER OPERATOR since 7/1/2008  
BROWN & ROOT, INC. OWNER since 1/1/1800  
Undine Texas Environmental, LLC OWNER since 7/16/2020  
JOE D HUGHES OWNER since 1/1/1800  
HUGHES JOE D OWNER since 1/1/1800  
Joe D. Hughes, Inc. OWNER OPERATOR since 1/1/1800  
Sun Coast Resources, Inc. OWNER since 4/7/2011  
Gulf Stream Marine, Inc. OPERATOR since 4/7/2011  
Watco Transloading, L.L.C. OPERATOR since 3/31/2022
- 4) Who was/were the prior owner(s)/operator(s)? Nerro Supply, LLC, OWNER, 4/27/2009 to 7/15/2020

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

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

N/A

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	April 20, 2017	(1419057)
Item 2	May 17, 2017	(1426706)
Item 3	December 18, 2017	(1469265)
Item 4	January 16, 2018	(1475959)
Item 5	February 19, 2018	(1488147)
Item 6	March 16, 2018	(1491813)
Item 7	July 20, 2018	(1515450)
Item 8	September 19, 2018	(1528688)
Item 9	October 19, 2018	(1535014)
Item 10	November 19, 2018	(1542868)
Item 11	December 18, 2018	(1546610)
Item 12	February 18, 2019	(1563940)
Item 13	March 12, 2019	(1563941)
Item 14	April 18, 2019	(1573242)
Item 15	October 18, 2019	(1614670)
Item 16	November 19, 2019	(1620459)
Item 17	December 18, 2019	(1627810)
Item 18	January 22, 2020	(1635437)
Item 19	March 16, 2020	(1648568)
Item 20	July 20, 2020	(1674959)
Item 21	December 17, 2020	(1716590)
Item 22	April 16, 2021	(1729675)
Item 23	August 20, 2021	(1758477)
Item 24	September 13, 2021	(1767765)
Item 25	October 20, 2021	(1778331)
Item 26	November 17, 2021	(1785001)
Item 27	December 17, 2021	(1792034)
Item 28	January 14, 2022	(1799884)

**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: 04/30/2021 (1742135)		
	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: 05/31/2021 (1742136)		
	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: 06/30/2021 (1753071)		
	Self Report? YES	Classification:	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		

**F. Environmental audits:**

Notice of Intent Date: 07/06/2020 (1665953)

No DOV Associated

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

N/A

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

N/A

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

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A



30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

- 9 Date: 05/31/2018 (1509139)  
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
- 10 Date: 07/31/2018 (1521501)  
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
- 11 Date: 12/31/2018 (1563942)  
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
- 12 Date: 04/30/2019 (1586091)  
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
- 13 Date: 05/31/2019 (1586092)  
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
- 14 Date: 06/30/2019 (1594590)  
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
- 15 Date: 07/31/2019 (1600890)  
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
- 16 Date: 08/31/2019 (1607806)  
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

17	Date: 01/31/2020 (1642054)		
	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		
18	Date: 03/31/2020 (1654919)		
	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		
19	Date: 04/30/2020 (1661482)		
	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		
20	Date: 05/31/2020 (1668013)		
	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		
21	Date: 07/31/2020 (1681729)		
	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		
22	Date: 08/31/2020 (1688306)		
	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		
23*	Date: 09/30/2020 (1694664)		
	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		
24*	Date: 10/31/2020 (1716589)		
	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		

25*	Date: 12/31/2020 (1716591)		
	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		
26*	Date: 01/31/2021 (1729673)		
	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		
27*	Date: 02/28/2021 (1729674)		
	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		
28*	Date: 04/30/2021 (1742135)		
	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		
29*	Date: 05/31/2021 (1742136)		
	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		
30*	Date: 06/30/2021 (1753071)		
	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		

\* NOVs applicable for the Compliance History rating period 9/1/2016 to 8/31/2021

**Appendix B**  
**All Investigations Conducted During Component Period April 08, 2017 and April 08, 2022**

Item 1*	April 20, 2017**	(1419057)
Item 2*	May 17, 2017**	(1426706)
Item 3	June 20, 2017**	(1432703)
Item 4	July 20, 2017**	(1441264)
Item 5	August 18, 2017**	(1444942)
Item 6	September 20, 2017**	(1451527)
Item 7	October 20, 2017**	(1457405)
Item 8	November 20, 2017**	(1462846)



Item 9*	December 18, 2017**	(1469265)
Item 10*	January 16, 2018**	(1475959)
Item 11*	February 19, 2018**	(1488147)
Item 12*	March 16, 2018**	(1491813)
Item 13	April 17, 2018**	(1495104)
Item 14	May 16, 2018**	(1502024)
Item 15	June 20, 2018**	(1509139)
Item 16*	July 20, 2018**	(1515450)
Item 17	August 20, 2018**	(1521501)
Item 18*	September 19, 2018**	(1528688)
Item 19*	October 19, 2018**	(1535014)
Item 20*	November 19, 2018**	(1542868)
Item 21*	December 18, 2018**	(1546610)
Item 22	January 14, 2019**	(1563942)
Item 23*	February 18, 2019**	(1563940)
Item 24*	March 12, 2019**	(1563941)
Item 25*	April 18, 2019**	(1573242)
Item 26	May 17, 2019**	(1586091)
Item 27	June 19, 2019**	(1586092)
Item 28	July 19, 2019**	(1594590)
Item 29	August 20, 2019**	(1600890)
Item 30	September 17, 2019**	(1607806)
Item 31*	October 18, 2019**	(1614670)
Item 32*	November 19, 2019**	(1620459)
Item 33*	December 18, 2019**	(1627810)
Item 34*	January 22, 2020**	(1635437)
Item 35	February 14, 2020**	(1642054)
Item 36*	March 16, 2020**	(1648568)
Item 37	April 15, 2020**	(1654919)
Item 38	May 19, 2020**	(1661482)
Item 39	June 19, 2020**	(1668013)
Item 40*	July 20, 2020**	(1674959)
Item 41	August 19, 2020**	(1681729)
Item 42	September 18, 2020**	(1688306)
Item 43	October 19, 2020**	(1694664)
Item 44	November 19, 2020**	(1716589)
Item 45*	December 17, 2020**	(1716590)
Item 46	January 19, 2021**	(1716591)
Item 47	February 19, 2021**	(1729673)
Item 48	March 17, 2021**	(1729674)
Item 49*	April 16, 2021**	(1729675)
Item 50	May 19, 2021**	(1742135)
Item 51	June 02, 2021**	(1710774)
Item 52	June 16, 2021**	(1742136)
Item 53	July 20, 2021**	(1753071)
Item 54*	August 20, 2021**	(1758477)
Item 55*	September 13, 2021	(1767765)
Item 56*	October 20, 2021	(1778331)

Item 57*	November 17, 2021	(1785001)
Item 58*	December 17, 2021	(1792034)
Item 59*	January 14, 2022	(1799884)

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2016 and 08/31/2021.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
UNDINE TEXAS ENVIRONMENTAL,  
LLC  
RN102060126

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2021-0871-IWD-E

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Undine Texas Environmental, LLC (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, presented this Order to the Commission.

The Respondent understands that it has 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 an industrial and domestic wastewater facility located at 13600 Industrial Road, approximately 2.75 miles southeast of the intersection of Federal Road and Interstate Highway 10, 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 conducted on April 28, 2021, an investigator documented that the Respondent did not comply with permitted effluent limitations, as shown in the effluent violation table below:

Effluent Violation Table						
Monitoring Period	<i>Enterococci</i>		Ammonia Nitrogen		Total Silver	
	Daily Average Conc.	Single Grab Conc.	Daily Average Conc.	Daily Maximum Conc.	Daily Average Conc.	Daily Maximum Conc.
	Limit= 35 CFU/100 mL	Limit= 104 CFU/100 mL	Limit= 3.0 mg/L	Limit= 10 mg/L	Limit= 0.013 mg/L	Limit= 0.027 mg/L
August 2020	79	2910	4.8	27.5	c	c
September 2020	c	118	c	c	c	c
October 2020	c	197	c	11.5	c	c
December 2020	c	c	N/A	N/A	0.015	0.032
January 2021	c	4840	N/A	N/A	c	c

Conc. = Concentration

CFU/100 mL = colony-forming units per 100 milliliters

c = compliant

mg/L = milligrams per liter

N/A = not applicable

## II. CONCLUSIONS OF LAW

- 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.
- As evidenced by Finding of Fact No. 2, the Respondent failed to comply with permitted effluent limitations, as shown in the attached effluent violation table, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0003792000, Effluent Limitations and Monitoring Requirements No. 1.
- 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.
- An administrative penalty in the amount of \$37,050 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 \$37,050 penalty.

### III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Undine Texas Environmental, LLC, 2021-0871-IWD-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, within 130 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0003792000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detail supporting documentation including photographs, receipts, or other records to demonstrate compliance with the permitted effluent limitations. 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:

Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Street, Suite H  
Houston, Texas 77023-1452

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this

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

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

-----  
For the Commission

-----  
Date



4/12/2023

-----  
For the Executive Director

-----  
Date

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

I also understand that failure to comply with the Ordering Provisions, 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.

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Signature

-----  
Date

*William A. Thomas*

*Sr. Vice President*

Name (Printed or typed)

Title

Authorized Representative of  
Undine Texas Environmental, LLC

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