

**Executive Summary – Enforcement Matter – Case No. 61093**  
**New Braunfels Utilities**  
**RN102078011**  
**Docket No. 2021-0988-MWD-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

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

**Media:**

MWD

**Small Business:**

No

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

New Braunfels Utilities, 1608 Coco Drive, New Braunfels, Comal County

**Type of Operation:**

Wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** July 8, 2022

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$10,250

**Total Paid to General Revenue:** \$10,250

**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 26, 2021

**Date(s) of NOE(s):** July 19, 2021

**Executive Summary – Enforcement Matter – Case No. 61093**  
**New Braunfels Utilities**  
**RN102078011**  
**Docket No. 2021-0988-MWD-E**

***Violation Information***

Failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System Permit No. WQ0010232001, Permit Conditions No. 2.g].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures by August 27, 2021:

- a. Ceasing the discharge;
- b. Cleaning and disinfecting the affected area;
- c. Pumping ponded water from the tributary back into the sanitary sewer system;
- d. By repairing the force main;
- e. Removing and disposing of the dead fish;
- f. Collecting samples for dissolved oxygen, ammonia nitrogen, and E. coli from three locations on the tributary; and
- g. Developing Standard Operating Procedures.

**Technical Requirements:**

N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Cheryl Thompson, Enforcement Division, Enforcement Team 1, MC R-04, (817) 588-5865; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Ian Taylor, Chief Executive Officer, New Braunfels Utilities, 263 Main Plaza, New Braunfels, Texas 78130

**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>	19-Jul-2021	<b>Screening</b>	22-Jul-2021	<b>EPA Due</b>	
	<b>PCW</b>	28-Jul-2021				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	New Braunfels Utilities
<b>Reg. Ent. Ref. No.</b>	RN102078011
<b>Facility/Site Region</b>	13-San Antonio
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	61093	<b>No. of Violations</b>	1
<b>Docket No.</b>	2021-0988-MWD-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Cheryl Thompson
		<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>\$12,500</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>7.0%</b> Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$875</b>
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Notes: Enhancement for one NOV for same/similar violations, and one NOV for dissimilar violations.

<b>Culpability</b>	<b>No</b>	<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>-\$3,125</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  
 Estimated Cost of Compliance: \$13,127  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$10,250</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>\$10,250</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$10,250</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>\$10,250</b>
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Screening Date 22-Jul-2021

Docket No. 2021-0988-MWD-E

PCW

Respondent New Braunfels Utilities

Policy Revision 5 (January 28, 2021)

Case ID No. 61093

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102078011

Media Water Quality

Enf. Coordinator Cheryl Thompson

### 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> )	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 7%

#### >> 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 one NOV for same/similar violations, and one NOV for dissimilar violations.

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

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 7%

<b>Screening Date</b>	22-Jul-2021	<b>Docket No.</b>	2021-0988-MWD-E	<b>PCW</b>
<b>Respondent</b>	New Braunfels Utilities			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	61093			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN102078011			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Cheryl Thompson			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

<b>OR</b>			<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor		
	Actual	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b>	<input type="text" value="50.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

**>> Programmatic Matrix**

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

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

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

**Notes**

**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** New Braunfels Utilities  
**Case ID No.** 61093  
**Reg. Ent. Reference No.** RN102078011  
**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	\$13,127	26-Apr-2021	27-Apr-2021	0.00	\$2	n/a	\$2
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Actual Remediation and Disposal cost to cease discharging, clean and disinfect the affected area, remove and dispose of the dead fish, pump ponded water from the tributary back into the sanitary sewer system, repair the force main, collect samples for dissolved oxygen, ammonia nitrogen and E. coli from three locations on the tributary, and develop Standard Operating Procedures. The Date Required is the date of the unauthorized discharge, and the Final Date is the date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$13,127

**TOTAL**

\$2

The TCEQ is committed to accessibility.

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



# Compliance History Report

Compliance History Report for CN600522957, RN102078011, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

**Customer, Respondent, or Owner/Operator:** CN600522957, New Braunfels Utilities **Classification:** SATISFACTORY **Rating:** 1.69  
**Regulated Entity:** RN102078011, SOUTH KUEHLER WWTP **Classification:** SATISFACTORY **Rating:** 1.43  
**Complexity Points:** 7 **Repeat Violator:** NO  
**CH Group:** 08 - Sewage Treatment Facilities  
**Location:** 1608 Coco Drive, New Braunfels, Comal County, TX  
**TCEQ Region:** REGION 13 - SAN ANTONIO

**ID Number(s):**

**WASTEWATER PERMIT** WQ0010232001 **WASTEWATER EPA ID** TX0067881

**WASTEWATER AUTHORIZATION** R10232001

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

**Date Compliance History Report Prepared:** January 27, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** January 27, 2017 to January 27, 2022

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

**Name:** Cheryl Thompson

**Phone:** (817) 588-5865

**Site and Owner/Operator History:**

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

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

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

N/A

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	February 16, 2017	(1404868)	Item 12	January 11, 2018	(1475365)
Item 2	March 20, 2017	(1411955)	Item 13	February 20, 2018	(1487561)
Item 3	April 20, 2017	(1418460)			
Item 4	May 17, 2017	(1426059)	Item 14	February 26, 2018	(1471824)
Item 5	June 14, 2017	(1432097)	Item 15	March 19, 2018	(1491240)
Item 6	July 17, 2017	(1440664)	Item 16	April 13, 2018	(1494491)
Item 7	August 16, 2017	(1444352)	Item 17	May 15, 2018	(1501437)
Item 8	September 15, 2017	(1450944)	Item 18	June 13, 2018	(1508529)
Item 9	October 13, 2017	(1456810)	Item 19	July 20, 2018	(1514859)
Item 10	November 15, 2017	(1462273)	Item 20	August 30, 2018	(1520913)
Item 11	December 14, 2017	(1468655)	Item 21	September 17, 2018	(1528094)

Item 22	October 18, 2018	(1534437)	Item 40	May 15, 2020	(1660902)
Item 23	November 13, 2018	(1542271)	Item 41	June 17, 2020	(1667435)
Item 24	December 13, 2018	(1546039)	Item 42	July 17, 2020	(1674384)
Item 25	January 28, 2019	(1562155)	Item 43	July 23, 2020	(1650903)
Item 26	February 14, 2019	(1562153)	Item 44	September 16, 2020	(1681159)
Item 27	March 18, 2019	(1562154)	Item 45	October 19, 2020	(1694074)
Item 28	April 18, 2019	(1572637)	Item 46	November 19, 2020	(1714879)
Item 29	May 15, 2019	(1584885)	Item 47	December 18, 2020	(1714880)
Item 30	June 13, 2019	(1584886)	Item 48	January 19, 2021	(1714881)
Item 31	July 15, 2019	(1593988)	Item 49	February 16, 2021	(1727947)
Item 32	September 20, 2019	(1600309)	Item 50	March 16, 2021	(1727948)
Item 33	October 18, 2019	(1614053)	Item 51	April 16, 2021	(1727949)
Item 34	November 18, 2019	(1619864)	Item 52	May 18, 2021	(1741261)
Item 35	December 19, 2019	(1627225)	Item 53	June 16, 2021	(1741262)
Item 36	January 17, 2020	(1634861)	Item 54	July 19, 2021	(1752508)
Item 37	February 18, 2020	(1641476)	Item 55	August 18, 2021	(1757933)
Item 38	March 19, 2020	(1647986)	Item 56	September 17, 2021	(1767166)
Item 39	April 17, 2020	(1654337)	Item 57	October 19, 2021	(1777636)

**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: 10/31/2021 (1784435)  
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: 11/30/2021 (1770781)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 217, SubChapter M 217.330(b)  
Description: Failed to test the reduced-pressure principal backflow prevention assembly (RPBA) annually.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
Description: Failed to secure the lift station in an intruder resistant manner

**F. Environmental audits:**

N/A

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

N/A

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

N/A

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

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
NEW BRAUNFELS UTILITIES  
RN102078011**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2021-0988-MWD-E**

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

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

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

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

### **I. FINDINGS OF FACT**

1. The Respondent owns and operates a wastewater treatment facility located at 1608 Coco Drive in New Braunfels, Comal 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 an investigation conducted on April 26, 2021, an investigator documented that approximately 17,700 gallons of sewage spilled from the lift station with flow entering a creek near Klein Road and extending downgradient to the adjacent property at Calvary Baptist Church, resulting in a fish kill of approximately 2,000 fish.
3. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility by August 27, 2021:
  - a. By ceasing the discharge;
  - b. By cleaning and disinfecting the affected area;

- c. By pumping ponded water from the tributary back into the sanitary sewer system;
- d. By repairing the force main;
- e. By removing and disposing of the dead fish;
- f. By collecting samples for dissolved oxygen, ammonia nitrogen, and *E. coli* from three locations on the tributary; and
- g. By developing Standard Operating Procedures.

## **II. CONCLUSIONS OF LAW**

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System Permit No. WQ0010232001, Permit Conditions No. 2.g.
3. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$10,250 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 \$10,250 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: New Braunfels Utilities, Docket No. 2021-0988-MWD-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
6. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively,

the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission



\_\_\_\_\_  
For the Executive Director

\_\_\_\_\_  
Date

10/24/2022

\_\_\_\_\_  
Date

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

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

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

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



\_\_\_\_\_  
Signature

5 OCT 2022

\_\_\_\_\_  
Date

Ian Taylor

\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
New Braunfels Utilities

CEO

\_\_\_\_\_  
Title

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