

Executive Summary – Enforcement Matter – Case No. 61230

Aqua Texas, Inc.

RN101518926

Docket No. 2021-1133-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:

B&W Gathering WWTP, located 330 feet west of the intersection of Lake Downs Drive and Moss Downs, Granite Shoals, Burnet County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

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

Texas Register Publication Date: October 10, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$49,875

Total Paid to General Revenue: \$49,875

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): May 5, 2021

Complaint Information: Alleged excessive odors from the WWTP.

Date(s) of Investigation: May 5, 2021

Date(s) of NOE(s): August 17, 2021

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Aqua Texas, Inc.

RN101518926

Docket No. 2021-1133-MWD-E

Violation Information

1. Failed to chlorinate the effluent in a chlorine contact basin with a minimum detention time of 20 minutes [30 TEX. ADMIN. CODE §§ 305.125(1) and 309.3(g)(3) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011332001, Interim Effluent and Monitoring Requirements No. 2].
2. Failed to prevent the unauthorized discharge of wastewater [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0011332001, Permit Conditions No. 2.g and Operational Requirements No. 1].
3. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0011332001, Permit Conditions No. 2.d and Operational Requirements No. 1].
4. Failed to comply with permitted effluent limitations for total chlorine residual, total suspended solids, and biochemical oxygen demand (5-day) [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0011332001, Interim Effluent Limitations Monitoring Requirements Nos. 1 and 2].
5. Failed to submit a written report to the TCEQ Enforcement Division and the TCEQ Austin Regional Office within five working days of becoming aware of a non-compliance [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0011332001, Monitoring and Reporting Requirements Nos. 7.a and 7.b].
6. Failed to initiate engineering and financial planning for expansion and/or upgrading of the wastewater treatment and/or collection facilities whenever the flow measurements reach 75% of the permitted daily average flow for three consecutive months [30 TEX. ADMIN. CODE §§ 305.125(1) and 305.126(a) and TPDES Permit No. WQ0011332001, Operational Requirements No. 8.a].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By May 26, 2021, completed the maintenance on the clarifier waste activated sludge pipe;
- b. By June 30, 2021, achieved compliance with permitted effluent limitations;

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Aqua Texas, Inc.

RN101518926

Docket No. 2021-1133-MWD-E

c. By October 25, 2021, submitted non-compliance notifications for the unauthorized discharges;

d. By October 25, 2021, moved the chlorine input line approximately a foot further away from the v-notch weir and implemented the air drop method to ensure proper mixing and the twenty minute detention time was being met;

e. By October 25, 2021, ceased the discharges, cleaned the affected areas, spread calcium hypochlorite around for disinfection, and sealed and concreted over the joints; and

f. By April 5, 2023, initiated engineering and financial planning for the expansion and/or upgrading of the Facility and/or collection facilities.

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days, remove the excess solids from the chlorine contact basin; and

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

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Harley Hobson, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-1337; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548

Respondent: Daniel Ramirez, President, Aqua Texas, Inc., 1106 Clayton Lane, Suite 400W, Austin, Texas 78723

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	23-Aug-2021	Screening	24-Aug-2021	EPA Due	
	PCW	15-Jul-2025				

RESPONDENT/FACILITY INFORMATION

Respondent	Aqua Texas, Inc.
Reg. Ent. Ref. No.	RN101518926
Facility/Site Region	11-Austin
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	61230	No. of Violations	6
Docket No.	2021-1133-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Harley Hobson
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$45,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	20.0%	Adjustment	Subtotals 2, 3, & 7	\$9,000
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Notes	Enhancement for one order containing a denial of liability.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$4,125
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$5,177	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$88,463	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$49,875
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
Final Penalty Amount	\$49,875

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$49,875
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.
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PAYABLE PENALTY	\$49,875
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Screening Date	24-Aug-2021	Docket No.	2021-1133-MWD-E	PCW
Respondent	Aqua Texas, Inc.			
Case ID No.	61230			
Reg. Ent. Reference No.	RN101518926			
Media	Water Quality			
Enf. Coordinator	Harley Hobson			

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	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) 20%

>> 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 order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 20%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 20%

Screening Date 24-Aug-2021 Respondent Aqua Texas, Inc. Case ID No. 61230 Reg. Ent. Reference No. RN101518926 Media Water Quality Enf. Coordinator Harley Hobson Violation Number 1	Docket No. 2021-1133-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and 309.3(g)(3) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011332001, Interim Effluent and Monitoring Requirements No. 2
Violation Description	Failed to chlorinate the effluent in a chlorine contact basin with a minimum detention time of 20 minutes. Specifically, chlorine disinfectant was added at the end of the chlorine contact chamber immediately preceding the v-notch weir resulting in inadequate detention time.

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR	Release	Harm			
		Major	Moderate	Minor	
	Actual				Percent 5.0%
Potential		x			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$23,750
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Adjustment	\$1,250
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Violation Events

Number of Violation Events	2		111	Number of violation days
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	daily	weekly	monthly	quarterly	semiannual	annual	single event	
				x				Violation Base Penalty \$2,500

Two quarterly events are recommended from the May 5, 2021 investigation date to the August 24, 2021 screening date.

Good Faith Efforts to Comply

	10.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		

Notes	The Respondent achieved compliance by October 25, 2021.
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Violation Subtotal	\$2,250
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Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$12
	Violation Final Penalty Total \$2,750
This violation Final Assessed Penalty (adjusted for limits) \$2,750	

Economic Benefit Worksheet

Respondent Aqua Texas, Inc.
Case ID No. 61230
Reg. Ent. Reference No. RN101518926
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)	\$500	5-May-2021	25-Oct-2021	0.47	\$12	n/a	\$12

Notes for DELAYED costs

Estimated delayed cost to move the chlorine input line to approximately a foot further away from the v-notch weir and implement the air drop method to ensure proper mixing and the twenty minute detention time be met. The Date Required is the investigation date, 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

\$500

TOTAL

\$12

Screening Date 24-Aug-2021 Respondent Aqua Texas, Inc. Case ID No. 61230 Reg. Ent. Reference No. RN101518926 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2021-1133-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>	
Violation Number 2			
Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0011332001, Permit Conditions No. 2.g, and Operational Requirements No. 1			
Violation Description Failed to prevent the unauthorized discharge of sewage into or adjacent to any water in the state. Specifically, unauthorized discharges of wastewater were occurring at the second west aeration basin and the west digester.			
Base Penalty		\$25,000	
>> Environmental, Property and Human Health Matrix			
OR	Release	Harm	
	Actual	Major Moderate Minor	
	Potential	<div style="display: flex; justify-content: space-around;"> x </div>	
			Percent 15.0%
>> Programmatic Matrix			
	Falsification	Major Moderate Minor	
	<div style="display: flex; justify-content: space-around;"> </div>	<div style="display: flex; justify-content: space-around;"> </div>	Percent 0.0%
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.		
Adjustment		\$21,250	
		\$3,750	
Violation Events			
Number of Violation Events 2		111 Number of violation days	
	<div style="display: flex; flex-direction: column; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">daily</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">weekly</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">monthly</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">quarterly</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">semiannual</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">annual</div> <div style="border: 1px solid black; padding: 2px;">single event</div> </div>	<div style="display: flex; flex-direction: column; align-items: center;"> <div style="border: 1px solid black; width: 60px; height: 20px; margin-bottom: 2px;"></div> <div style="border: 1px solid black; width: 60px; height: 20px; margin-bottom: 2px;"></div> <div style="border: 1px solid black; width: 60px; height: 20px; margin-bottom: 2px;"></div> <div style="border: 1px solid black; width: 60px; height: 20px; margin-bottom: 2px; text-align: center;">x</div> <div style="border: 1px solid black; width: 60px; height: 20px; margin-bottom: 2px;"></div> <div style="border: 1px solid black; width: 60px; height: 20px; margin-bottom: 2px;"></div> <div style="border: 1px solid black; width: 60px; height: 20px;"></div> </div>	
		Violation Base Penalty \$7,500	
Two quarterly events are recommended from the May 5, 2021 investigation date to the August 24, 2021 screening date.			
Good Faith Efforts to Comply		10.0%	Reduction \$750
	<div style="display: flex; justify-content: space-between; font-size: small;"> Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer </div>		
Extraordinary	<div style="border: 1px solid black; width: 100px; height: 20px;"></div>		
Ordinary	<div style="border: 1px solid black; width: 100px; height: 20px; text-align: center;">x</div>		
N/A	<div style="border: 1px solid black; width: 100px; height: 20px;"></div>		
Notes	The Respondent achieved compliance by October 25, 2021.		
Violation Subtotal		\$6,750	
Economic Benefit (EB) for this violation			
Estimated EB Amount		\$592	
Statutory Limit Test			
Violation Final Penalty Total		\$8,250	
This violation Final Assessed Penalty (adjusted for limits)		\$8,250	

Economic Benefit Worksheet

Respondent Aqua Texas, Inc.
Case ID No. 61230
Reg. Ent. Reference No. RN101518926
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	\$25,000	5-May-2021	25-Oct-2021	0.47	\$592	n/a	\$592
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Remediation/Disposal cost to cease the discharges, clean the affected areas, spread calcium hypochlorite around for disinfection, and seal and concrete over the joints. The Date Required is the investigation date, 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

\$25,000

TOTAL

\$592

Screening Date 24-Aug-2021 Respondent Aqua Texas, Inc. Case ID No. 61230 Reg. Ent. Reference No. RN101518926 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2021-1133-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
Violation Number 3		
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0011332001, Permit Conditions No. 2.d and Operational Requirements No. 1		
Violation Description <div style="border: 1px solid black; padding: 10px; margin-top: 5px;"> Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the waste activated sludge ("WAS") pipe for the west clarifier was clogged; the east clarifier contained 12 feet of sludge in a 12-foot water depth; the chlorine contact basin contained approximately 1 foot, 2 inches of sludge in a 5-foot water depth; turbid, grey-colored effluent was observed at the v-notch weir; the chlorine contact basin contained excessive solids; turbid, milk chocolate-colored effluent was observed flowing into the effluent sand filter; and bloodworms were observed in the sand filter pump pit. </div>		
Base Penalty		\$25,000
>> Environmental, Property and Human Health Matrix		
OR	Release	Harm
	Actual	Major Moderate Minor
	Potential	<div style="display: flex; justify-content: space-around;"> x </div>
Percent		15.0%
>> Programmatic Matrix		
	Falsification	Major Moderate Minor
	<div style="display: flex; justify-content: space-around;"> </div>	<div style="display: flex; justify-content: space-around;"> </div>
	Percent	
Matrix Notes	Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.	
Adjustment		\$21,250
		\$3,750
Violation Events		
Number of Violation Events 4		111 Number of violation days
	<div style="display: flex;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">daily</div> <div style="border: 1px solid black; padding: 2px; flex-grow: 1;"></div> </div> <div style="display: flex;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">weekly</div> <div style="border: 1px solid black; padding: 2px; flex-grow: 1;"></div> </div> <div style="display: flex;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">monthly</div> <div style="border: 1px solid black; padding: 2px; flex-grow: 1;">x</div> </div> <div style="display: flex;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">quarterly</div> <div style="border: 1px solid black; padding: 2px; flex-grow: 1;"></div> </div> <div style="display: flex;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">semiannual</div> <div style="border: 1px solid black; padding: 2px; flex-grow: 1;"></div> </div> <div style="display: flex;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">annual</div> <div style="border: 1px solid black; padding: 2px; flex-grow: 1;"></div> </div> <div style="display: flex;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">single event</div> <div style="border: 1px solid black; padding: 2px; flex-grow: 1;"></div> </div>	Violation Base Penalty \$15,000
Four monthly events are recommended from the May 5, 2021 investigation date to the August 24, 2021 screening date.		
Good Faith Efforts to Comply		Reduction \$0
	<div style="display: flex; justify-content: space-between; font-size: small;"> Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer </div> <div style="display: flex;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">Extraordinary</div> <div style="border: 1px solid black; padding: 2px; flex-grow: 1;"></div> </div> <div style="display: flex;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">Ordinary</div> <div style="border: 1px solid black; padding: 2px; flex-grow: 1;"></div> </div> <div style="display: flex;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">N/A</div> <div style="border: 1px solid black; padding: 2px; flex-grow: 1;">x</div> </div>	
Notes	The Respondent does not meet the good faith criteria for this violation.	
Violation Subtotal		\$15,000
Economic Benefit (EB) for this violation Statutory Limit Test		
Estimated EB Amount		\$2,536
Violation Final Penalty Total		\$18,000
This violation Final Assessed Penalty (adjusted for limits)		\$18,000

Economic Benefit Worksheet

Respondent Aqua Texas, Inc.
Case ID No. 61230
Reg. Ent. Reference No. RN101518926
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$2,913	5-May-2021	26-May-2021	0.06	\$1	\$11	\$12
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
Remediation/Disposal	\$10,000	5-May-2021	13-Feb-2024	2.78	\$1,389	n/a	\$1,389
Remediation/Disposal	\$5,000	5-May-2021	17-Nov-2025	4.54	\$1,135	n/a	\$1,135
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Actual Equipment cost to complete the maintenance on the clarifier WAS pipe. The Date Required is the investigation date, and the Final Date is the date of compliance.

Estimated Remediation/Disposal cost to remove the excessive sludge from the east clarifier. The Date Required is the investigation date, and the Final Date is the date of compliance.

Estimated Remediation/Disposal cost to remove the excess solids from the chlorine contact basin. The Date Required is the investigation date, and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$17,913

TOTAL

\$2,536

Screening Date 24-Aug-2021 Respondent Aqua Texas, Inc. Case ID No. 61230 Reg. Ent. Reference No. RN101518926 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2021-1133-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	4	
Rule Cite(s)		30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0011332001, Interim Effluent Limitations Monitoring Requirements No. 2
Violation Description		Failed to comply with permitted effluent limitations. Specifically, grab sample measurements collected during the investigation documented that the Respondent did not meet the permitted effluent minimum for total chlorine residual. The minimum acceptable concentration is 1.0 milligram per liter ("mg/L"), and the investigator documented 0.37 mg/L. Grab samples for biochemical oxygen demand (5-day) and total suspended solids exceeded the permitted effluent limitations of 30 mg/L with results of 64 mg/L and 129 mg/L, respectively.

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	x			Percent 50.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$12,500
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	\$12,500
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Violation Events

Number of Violation Events	1		1	Number of violation days
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	daily			Violation Base Penalty \$12,500
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			

One monthly event is recommended for the month of May 2021.

Good Faith Efforts to Comply

	25.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		
Notes	The Respondent achieved compliance by June 30, 2021.	

Violation Subtotal	\$9,375
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Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$192
Violation Final Penalty Total	\$11,875
This violation Final Assessed Penalty (adjusted for limits)	\$11,875

Economic Benefit Worksheet

Respondent Aqua Texas, Inc.
Case ID No. 61230
Reg. Ent. Reference No. RN101518926
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				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	5-May-2021	30-Jun-2021	0.15	\$192	n/a	\$192

Notes for DELAYED costs

Estimated delayed cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations. The Date Required is the investigation date, 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

\$25,000

TOTAL

\$192

Screening Date 24-Aug-2021 Respondent Aqua Texas, Inc. Case ID No. 61230 Reg. Ent. Reference No. RN101518926 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2021-1133-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	5	Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0011332001, Monitoring and Reporting Requirements Nos. 7.a and 7.b
Violation Description	Failed to submit a written report to the TCEQ Enforcement Division and the TCEQ Austin Regional Office within five working days of becoming aware of a non-compliance. Specifically, unauthorized discharges occurred from the west aeration basin and the west digester, and no non-compliance notifications were submitted to the TCEQ Austin Regional Office within five working days.		

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				
	Potential				

>> Programmatic Matrix

OR	Falsification	Harm			Percent
		Major	Moderate	Minor	
	Actual	x			
	Potential				

Matrix Notes	100% of the rule requirements were not met.
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Adjustment	\$22,500
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Adjustment	\$2,500
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Violation Events

Number of Violation Events	2	103	Number of violation days
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	daily			Violation Base Penalty	\$5,000
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			

Two single events are recommended, one for each missed report.
--

Good Faith Efforts to Comply

	0.0%	
		Reduction
		\$0

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

Notes	The Respondent does not meet the good faith criteria for this violation.
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Violation Subtotal	\$5,000
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$1	Statutory Limit Test	
		Violation Final Penalty Total	\$6,000
This violation Final Assessed Penalty (adjusted for limits)			\$6,000

Economic Benefit Worksheet

Respondent Aqua Texas, Inc.
Case ID No. 61230
Reg. Ent. Reference No. RN101518926
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	13-May-2021	25-Oct-2021	0.45	\$1	n/a	\$1

Notes for DELAYED costs

Estimated other cost (\$25 for each missing notification) to submit written notification for the unauthorized discharges that occurred at the west aeration basin and the west digester. The Date Required is the notification due date, 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

\$50

TOTAL

\$1

Screening Date 24-Aug-2021 Respondent Aqua Texas, Inc. Case ID No. 61230 Reg. Ent. Reference No. RN101518926 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2021-1133-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	6	
Rule Cite(s)		30 Tex. Admin. Code §§ 305.125(1) and 305.126(a) and TPDES Permit No. WQ0011332001, Operational Requirements No. 8.a
Violation Description		Failed to initiate engineering and financial planning for expansion and/or upgrading of the wastewater treatment and/or collection facilities whenever the flow measurements reach 75% of the permitted daily average flow for three consecutive months.

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR		Release	Harm		
		Major	Moderate	Minor	
	Actual				Percent
	Potential				0.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent
					10.0%

Matrix Notes	100% of the rule requirements were not met.
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Adjustment	\$22,500
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	\$2,500
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Violation Events

Number of Violation Events	1		84	Number of violation days
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	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		Violation Base Penalty
				\$2,500

One single event is recommended.

Good Faith Efforts to Comply

	0.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes	The Respondent does not meet the good faith criteria for this violation.
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Violation Subtotal	\$2,500
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$1,844	
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Statutory Limit Test

Violation Final Penalty Total	\$3,000
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This violation Final Assessed Penalty (adjusted for limits)	\$3,000
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Economic Benefit Worksheet

Respondent Aqua Texas, Inc.
Case ID No. 61230
Reg. Ent. Reference No. RN101518926
Media Water Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

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)	\$20,000	1-Jun-2021	5-Apr-2023	1.84	\$1,844	n/a	\$1,844

Notes for DELAYED costs

Estimated delayed cost to initiate engineering and financial planning for the expansion and/or upgrading of the wastewater treatment facility and/or collection facilities. The Date Required is the violation start date, 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

\$20,000

TOTAL

\$1,844



Compliance History Report

Compliance History Report for CN604062463, RN101518926, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator: CN604062463, Aqua Texas, Inc. **Classification:** SATISFACTORY **Rating:** 4.22

Regulated Entity: RN101518926, B & W GATHERING WWTP **Classification:** SATISFACTORY **Rating:** 2.25

Complexity Points: 4 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 330 feet west of the intersection of Lake Downs Drive and Moss Downs Drive, Granite Shoals, Burnet County, Burnet County, Texas

TCEQ Region: REGION 11 - AUSTIN

ID Number(s):
WASTEWATER PERMIT WQ0011332001 **WASTEWATER EPA ID** TX0062014

Compliance History Period: September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022

Date Compliance History Report Prepared: January 27, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 27, 2018 to January 27, 2023

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? YES
- 3) Who is the current owner/operator? Aqua Texas, Inc. OWNER since 6/27/2019
- 4) Who was/were the prior owner(s)/operator(s)? Aqua Utilities, Inc., OWNER, 7/1/1999 to 6/26/2019

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

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

- 1 Effective Date: 09/26/2018 ADMINORDER 2017-0520-MWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Effluent Limits PERMIT
Description: failed to comply with permitted effluent limitations

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	March 14, 2018	(1491163)	Item 3	June 18, 2018	(1508456)
Item 2	May 18, 2018	(1501362)	Item 4	July 17, 2018	(1485301)

Item 5	July 18, 2018	(1514784)	Item 28	December 03, 2020	(1691857)
Item 6	September 19, 2018	(1528019)	Item 29	December 29, 2020	(1714671)
Item 7	September 20, 2018	(1520839)	Item 30	January 19, 2021	(1714672)
Item 8	October 19, 2018	(1534365)	Item 31	March 19, 2021	(1727737)
Item 9	November 15, 2018	(1542200)	Item 32	April 20, 2021	(1727738)
Item 10	January 18, 2019	(1561931)	Item 33	June 17, 2021	(1747970)
Item 11	February 18, 2019	(1561929)	Item 34	July 20, 2021	(1752439)
Item 12	March 18, 2019	(1561930)	Item 35	August 26, 2021	(1767092)
Item 13	April 17, 2019	(1572566)	Item 36	September 28, 2021	(1767093)
Item 14	May 17, 2019	(1584743)	Item 37	October 20, 2021	(1777567)
Item 15	June 19, 2019	(1584744)	Item 39	November 16, 2021	(1784366)
Item 16	August 19, 2019	(1600237)	Item 40	December 20, 2021	(1791396)
Item 17	September 23, 2019	(1607131)	Item 41	January 20, 2022	(1799178)
Item 18	November 19, 2019	(1619794)	Item 42	February 21, 2022	(1807056)
Item 19	January 20, 2020	(1634792)	Item 43	March 18, 2022	(1814120)
Item 20	February 20, 2020	(1641400)	Item 44	April 19, 2022	(1820694)
Item 21	March 16, 2020	(1647914)	Item 45	May 17, 2022	(1829529)
Item 22	April 20, 2020	(1654268)	Item 46	June 17, 2022	(1835823)
Item 23	July 17, 2020	(1674316)	Item 47	July 19, 2022	(1843024)
Item 24	August 24, 2020	(1681083)	Item 48	August 12, 2022	(1849153)
Item 25	September 16, 2020	(1687659)	Item 49	September 20, 2022	(1856953)
Item 26	October 20, 2020	(1694002)	Item 50	October 19, 2022	(1863311)
Item 27	November 19, 2020	(1714670)	Item 51	November 15, 2022	(1870223)

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

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

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOVs Issued During Component Period 1/27/2018 and 1/27/2023

1	Date: 01/31/2018 (1487488) Self Report? YES 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	Classification: Moderate
2	Date: 03/31/2018 (1494415) Self Report? YES 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	Classification: Moderate
3	Date: 11/30/2018 (1545969) Self Report? YES 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	Classification: Moderate
4	Date: 06/30/2019 (1593912) Self Report? YES 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	Classification: Moderate
5	Date: 11/30/2019 (1627156) Self Report? YES 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	Classification: Moderate
6	Date: 04/30/2020 (1660834) Self Report? YES 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	Classification: Moderate
7	Date: 05/31/2020 (1667365) Self Report? YES 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	Classification: Moderate
8	Date: 01/31/2021 (1727736) Self Report? YES Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)	Classification: Moderate

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

9 Date: 04/30/2021 (1741166)
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: 08/13/2021 (1736581)
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 325, SubChapter A 325.2(b)(4)(A)
6D THSC Chapter 505, SubChapter D 505.006(e)
6D THSC Chapter 506, SubChapter D 506.006(d)
6D THSC Chapter 507, SubChapter D 507.006(e)
Description: Failed to submit an initial Tier Two Form and the appropriate filing fee to the TCEQ within 90 days after the date the facility operator begins operation and acquires one or more hazardous chemicals or Extremely Hazardous Substances (EHSs) which meet or exceed any of the current Tier Two thresholds.

* NOV's applicable for the Compliance History rating period 9/1/2017 to 8/31/2022

Appendix B

All Investigations Conducted During Component Period January 27, 2018 and January 27, 2023

Item 1	February 20, 2018**	(1487488)
Item 2*	March 14, 2018**	(1491163)
Item 3	April 20, 2018**	(1494415)
Item 4*	May 18, 2018**	(1501362)
Item 5*	June 18, 2018**	(1508456)
Item 6*	July 17, 2018**	(1485301)
Item 7*	July 18, 2018**	(1514784)
Item 8*	September 19, 2018**	(1528019)
Item 9*	September 20, 2018**	(1520839)
Item 10*	October 19, 2018**	(1534365)
Item 11*	November 15, 2018**	(1542200)
Item 12	December 20, 2018**	(1545969)
Item 13*	January 18, 2019**	(1561931)
Item 14*	February 18, 2019**	(1561929)
Item 15*	March 18, 2019**	(1561930)
Item 16*	April 17, 2019**	(1572566)
Item 17*	May 17, 2019**	(1584743)
Item 18*	June 19, 2019**	(1584744)
Item 19*	August 19, 2019**	(1600237)
Item 20	August 26, 2019**	(1593912)
Item 21*	September 23, 2019**	(1607131)
Item 22*	November 19, 2019**	(1619794)
Item 23	December 20, 2019**	(1627156)
Item 24*	January 20, 2020**	(1634792)
Item 25*	February 20, 2020**	(1641400)
Item 26*	March 16, 2020**	(1647914)
Item 27*	April 20, 2020**	(1654268)

Item 28	May 19, 2020**	(1660834)
Item 29	June 19, 2020**	(1667365)
Item 30*	July 17, 2020**	(1674316)
Item 31*	August 24, 2020**	(1681083)
Item 32*	September 16, 2020**	(1687659)
Item 33*	October 20, 2020**	(1694002)
Item 34*	November 19, 2020**	(1714670)
Item 35*	December 03, 2020**	(1691857)
Item 36*	December 29, 2020**	(1714671)
Item 37*	January 19, 2021**	(1714672)
Item 38	February 20, 2021**	(1727736)
Item 39*	March 19, 2021**	(1727737)
Item 40*	April 20, 2021**	(1727738)
Item 41	May 20, 2021**	(1741166)
Item 42*	June 17, 2021**	(1747970)
Item 43*	July 20, 2021**	(1752439)
Item 44	August 12, 2021**	(1736581)
Item 45*	August 26, 2021**	(1767092)
Item 46*	September 28, 2021**	(1767093)
Item 47*	October 20, 2021**	(1777567)
Item 48*	November 16, 2021**	(1784366)
Item 49*	December 20, 2021**	(1791396)
Item 50*	January 20, 2022**	(1799178)
Item 51*	February 21, 2022**	(1807056)
Item 52	March 10, 2022**	(1797259)
Item 53*	March 18, 2022**	(1814120)
Item 54*	April 19, 2022**	(1820694)
Item 55*	May 17, 2022**	(1829529)
Item 56*	June 17, 2022**	(1835823)
Item 57*	July 19, 2022**	(1843024)
Item 58*	August 12, 2022**	(1849153)
Item 59*	September 20, 2022	(1856953)
Item 60	October 17, 2022	(1847472)
Item 61*	October 19, 2022	(1863311)
Item 62*	November 15, 2022	(1870223)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2017 and 08/31/2022.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
AQUA TEXAS, INC.
RN101518926

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2021-1133-MWD-E

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

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

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located 330 feet west of the intersection of Lake Downs Drive and Moss Downs in Granite Shoals, Burnet 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 at the Facility conducted on May 5, 2021, an investigator documented that:
 - a. Chlorine disinfectant was added at the end of the chlorine contact chamber immediately preceding the v-notch weir resulting in inadequate detention time for disinfection.
 - b. Unauthorized discharges of wastewater were noted at the second west aeration basin and the west digester.
 - c. The waste activated sludge ("WAS") pipe for the west clarifier was clogged; the east clarifier contained 12 feet of sludge in a 12-foot water depth; the chlorine contact basin contained approximately 1 foot, 2 inches of sludge in a 5-foot water depth; turbid, grey-colored effluent was observed at the v-notch weir; the

chlorine contact basin contained excessive solids; turbid, milk chocolate-colored effluent was observed flowing into the effluent sand filter; and bloodworms were observed in the sand filter pump pit.

- d. Grab sample measurements collected during the investigation documented that the Respondent did not meet the permitted effluent minimum for total chlorine residual. The minimum acceptable concentration is 1.0 milligram per liter ("mg/L"), and the investigator documented 0.37 mg/L. Grab samples for biochemical oxygen demand (5-day) and total suspended solids exceeded the permitted effluent limitations of 30 mg/L with results of 64 mg/L and 129 mg/L, respectively.
 - e. Unauthorized discharges occurred from the west aeration basin and the west digester, and no non-compliance notifications were submitted to the TCEQ Austin Regional Office within five working days.
 - f. The Respondent did not initiate engineering and financial planning for expansion and/or upgrading of the wastewater treatment and/or collection facilities when flow measurements reached 75% of the permitted daily average flow for three consecutive months.
3. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
- a. By May 26, 2021, completed the maintenance on the clarifier WAS pipe;
 - b. By June 30, 2021, the Respondent achieved compliance with permitted effluent limitations;
 - c. By October 25, 2021, the Respondent submitted non-compliance notifications for the unauthorized discharges;
 - d. By October 25, 2021, moved the chlorine input line approximately a foot further away from the v-notch weir and implemented the air drop method to ensure proper mixing and the twenty minute detention time was being met, in accordance with 30 TEX. ADMIN. CODE § 309.3;
 - e. By October 25, 2021, ceased the discharges, cleaned the affected areas, spread calcium hypochlorite around for disinfection, and sealed and concreted over the joints; and
 - f. By April 5, 2023, initiated engineering and financial planning for the expansion and/or upgrading of the Facility and/or collection facilities, in accordance with 30 TEX. ADMIN. CODE § 305.126.

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.a, the Respondent failed to chlorinate the effluent in a chlorine contact basin with a minimum detention time of 20 minutes, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 309.3(g)(3) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011332001, Interim Effluent and Monitoring Requirements No. 2.
3. As evidenced by Finding of Fact No. 2.b the Respondent failed to prevent the unauthorized discharge of wastewater, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0011332001, Permit Conditions No. 2.g and Operational Requirements No. 1.
4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0011332001, Permit Conditions No. 2.d and Operational Requirements No. 1.
5. As evidenced by Finding of Fact No. 2.d, the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0011332001, Interim Effluent Limitations Monitoring Requirements Nos. 1 and 2.
6. As evidenced by Finding of Fact No. 2.e, the Respondent failed to submit a written report to the TCEQ Enforcement Division and the TCEQ Austin Regional Office within five working days of becoming aware of a non-compliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0011332001, Monitoring and Reporting Requirements Nos. 7.a and 7.b.
7. As evidenced by Finding of Fact No. 2.f, the Respondent failed to initiate engineering and financial planning for expansion and/or upgrading of the wastewater treatment and/or collection facilities whenever the flow measurements reach 75% of the permitted daily average flow for three consecutive months, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 305.126(a) and TPDES Permit No. WQ0011332001, Operational Requirements No. 8.a.
8. 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.
9. An administrative penalty in the amount of \$49,875 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 \$49,875 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. 9 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Aqua Texas, Inc., Docket No. 2021-1133-MWD-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, remove the excess solids from the chlorine contact basin.
 - d. Within 45 days after the effective date of this Order, submit written certification of compliance with Ordering Provision No. 2.a, shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. 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

The certification shall be submitted to:

Enforcement Division, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Austin Regional Office
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. 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.
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 in this Order.
7. 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.
8. 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.
9. 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.

10. 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

Krista Melo-Jurach

For the Executive Director

11/02/2025

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]

Signature

8/4/2025

Date

Daniel Ramirez-Cano

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

President

Title

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

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.