

**Executive Summary – Enforcement Matter – Case No. 61233
Stonetown Walnut Creek, LLC
RN102915691
Docket No. 2021-1143-MWD-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Walnut Creek MHP, 3600 North Cummings Drive, Johnson 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: June 3, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$23,713

Amount Deferred for Expedited Settlement: \$4,742

Total Paid to General Revenue: \$18,971

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: March 30, 2021

Date(s) of NOE(s): June 15, 2021

**Executive Summary – Enforcement Matter – Case No. 61233
Stonetown Walnut Creek, LLC
RN102915691
Docket No. 2021-1143-MWD-E**

Violation Information

1. Failed to submit effluent monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit the discharge monitoring report for the October 2020 monthly monitoring period [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013868001, Monitoring and Reporting Requirements No. 1].

2. Failed to comply with permitted effluent limitations for daily average flow, dissolved oxygen, total suspended solids, *Escherichia coli*, and biochemical oxygen demand (5-day) [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0013868001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By preparing and submitting the discharge monitoring report for the October 2020 monthly monitoring period by May 27, 2021; and
- b. By determining the cause of noncompliance and making necessary repairs/adjustments to the Facility to achieve compliance with the permitted effluent limitations of TPDES Permit No. WQ0013868001 by June 1, 2021.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Alejandro Laje, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-2547; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Adam Minnick, Manager, Stonetown Walnut Creek, LLC, 720 South Colorado Boulevard, Suite 1150N, Glendale, Colorado 80246

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	21-Jun-2021	Screening	12-Aug-2021	EPA Due	
	PCW	30-Nov-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	Stonetown Walnut Creek, LLC
Reg. Ent. Ref. No.	RN102915691
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	61233	No. of Violations	3
Docket No.	2021-1143-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Alejandro Laje
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$21,500
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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	35.0% Adjustment	Subtotals 2, 3, & 7	\$7,525
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Notes: Enhancement for three self-reported effluent violations and one agreed order containing a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$5,312
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$335
 Estimated Cost of Compliance \$5,025
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$23,713
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$23,713
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$23,713
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DEFERRAL	20.0%	Reduction	Adjustment	-\$4,742
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$18,971
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Screening Date 12-Aug-2021

Docket No. 2021-1143-MWD-E

PCW

Respondent Stonetown Walnut Creek, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 61233

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102915691

Media Water Quality

Enf. Coordinator Alejandro Laje

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>)	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) 35%

>> 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 self-reported effluent violations and one agreed order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 35%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 35%

Screening Date 12-Aug-2021
Respondent Stonetown Walnut Creek, LLC
Case ID No. 61233
Reg. Ent. Reference No. RN102915691
Media Water Quality
Enf. Coordinator Alejandro Laje

Docket No. 2021-1143-MWD-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013868001, 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 \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual			X		25.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

A simplified model was used to evaluate biochemical oxygen demand (5-day) to determine whether the discharged amounts of pollutants exceeded protective levels. Total suspended solids was also considered. Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$18,750

\$6,250

Violation Events

Number of Violation Events 1 30 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$6,250

One monthly event is recommended for monthly monitoring period of June 2020.

Good Faith Efforts to Comply

25.0%

Reduction \$1,562

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	X	
N/A		

Notes The Respondent achieved compliance on June 1, 2021.

Violation Subtotal \$4,688

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$334

Violation Final Penalty Total \$6,876

This violation Final Assessed Penalty (adjusted for limits) \$6,876

Economic Benefit Worksheet

Respondent Stonetown Walnut Creek, LLC
Case ID No. 61233
Reg. Ent. Reference No. RN102915691
Media Violation No. Water Quality
 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	31-Jan-2020	1-Jun-2021	1.33	\$334	n/a	\$334

Notes for DELAYED costs
 Estimated cost to determine the cause of noncompliance and to make any necessary repairs/adjustments to the Facility to achieve compliance with the permitted effluent limitations of TPDES Permit No. WQ0013868001. Date required is the end date of the first month of noncompliance, and the final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs
 (This area is currently blank for notes.)

Approx. Cost of Compliance \$5,000

TOTAL \$334

Screening Date	12-Aug-2021	Docket No.	2021-1143-MWD-E	PCW
Respondent	Stonetown Walnut Creek, LLC			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	61233			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN102915691			
Media	Water Quality			
Enf. Coordinator	Alejandro Laje			
Violation Number	2			
Rule Cite(s)	Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0013868001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6			
Violation Description	Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual			X	Percent 15.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent 0.0%

Matrix Notes: A simplified model was used to evaluate biochemical oxygen demand (5-day) to determine whether the discharged amounts of pollutants exceeded protective levels. Total suspended solids, flow, *Escherichia coli*, and dissolved oxygen were also considered. Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250
Subtotal \$3,750

Violation Events

Number of Violation Events	4	336	Number of violation days
	daily		
	weekly		
	monthly		
	quarterly	X	
	semiannual		
	annual		
	single event		

Violation Base Penalty \$15,000

Four quarterly events are recommended for the monthly monitoring periods of January 2020 through May 2020, July 2020 through December 2020, and the quarterly monitoring period ending April 2020.

Good Faith Efforts to Comply 25.0% Reduction \$3,750

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

Notes: The Respondent achieved compliance on June 1, 2021.

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$0	Violation Final Penalty Total \$16,500
This violation Final Assessed Penalty (adjusted for limits) \$16,500	

Economic Benefit Worksheet

Respondent Stonetown Walnut Creek, LLC
Case ID No. 61233
Reg. Ent. Reference No. RN102915691
Media Violation No. Water Quality
 2

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and to 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

TOTAL

Screening Date 12-Aug-2021 **Docket No.** 2021-1143-MWD-E **PCW**
Respondent Stonetown Walnut Creek, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 61233 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102915691
Media Water Quality
Enf. Coordinator Alejandro Laje

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d), and TPDES Permit No. WQ0013868001, Monitoring and Reporting Requirements No. 1
Violation Description Failed to timely submit effluent monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit the Discharge Monitoring Reports ("DMRs") for the monthly monitoring period of October 2020 by the 20th day of the following month.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				X	1.0%
Less than 30% of the rule requirements were not met.					

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 188 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$1 **Violation Final Penalty Total** \$338

This violation Final Assessed Penalty (adjusted for limits) \$338

Economic Benefit Worksheet

Respondent Stonetown Walnut Creek, LLC
Case ID No. 61233
Reg. Ent. Reference No. RN102915691
Media Violation No. Water Quality
 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				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	20-Nov-2020	27-May-2021	0.52	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to prepare and submit the DMR for the October 2020 monthly monitoring period. Date required is the date the DMR was due, 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

TOTAL

\$1

Stonetown Walnut Creek, LLC
 TPDES Permit No. WQ0013868001
 Docket No. 2021-1143-MWD-E

Effluent Violation Table

Monitoring Period	BOD (5-day) Daily Average Conc. Limit = 20 mg/L	BOD (5-day) Single Grab Conc. Limit = 65 mg/L	Flow Daily Average Limit = 0.0225 MGD	DO Monthly Min. Conc. Limit = 3 mg/L	TSS Daily Average Conc. Limit = 20 mg/L	TSS Single Grab Conc. Limit = 65 mg/L	TSS Daily Average Loading Limit = 3.8 lbs/day	<i>E. coli</i> Single Grab Limit = 399 CFU/100 mL
January 2020	22	C	C	C	30	C	C	C
February 2020	25	C	C	C	62	130	C	C
March 2020	C	C	0.0227	C	C	C	C	C
April 2020	22	C	C	C	32	C	C	1120
May 2020	32	C	C	C	50	C	5.6	C
June 2020	52	95	C	C	28	C	C	C
July 2020	37	72	C	2.4	31	C	C	C
August 2020	22	C	C	C	37	C	C	C
September 2020	21	C	C	C	38	C	C	C
October 2020	28	C	C	C	38	C	C	C
November 2020	C	C	0.05926	C	34	C	C	C
December 2020	21	C	C	C	48	C	C	C

BOD = Biochemical Oxygen Demand
 Conc. = Concentration
 Min. = Minimum
E. coli = *Escherichia coli*
 MGD = million gallons per day
 TSS = total suspended solids

CFU/100 mL = colony forming units per 100 milliliters
 mg/L = milligrams per liter
 lbs/day = pounds per day
 C = compliant
 DO = dissolved oxygen

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 CN605564970, RN102915691, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN605564970, Stonetown Walnut Creek, LLC **Classification:** SATISFACTORY **Rating:** 7.00

Regulated Entity: RN102915691, WALNUT CREEK MHP **Classification:** SATISFACTORY **Rating:** 7.00

Complexity Points: 8 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 3600 North Cummings Drive in Johnson County, Texas

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

WASTEWATER PERMIT WQ0013868001

WASTEWATER EPA ID TX0118770

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

Date Compliance History Report Prepared: February 17, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 17, 2017 to February 17, 2022

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

Name: Alejandro Laje

Phone: (512) 239-2547

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? Stonetown Walnut Creek, LLC OWNER since 8/30/2018
- 4) Who was/were the prior owner(s)/operator(s)? SHALIMAR FORT WORTH, LP, OWNER, 7/10/2014 to 8/28/2018

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

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

1 Effective Date: 01/21/2020 ADMINORDER 2019-0182-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: Eff Lim and Mon Req No. 1 PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	September 25, 2017	(1451890)
Item 2	April 30, 2018	(1495448)
Item 3	July 30, 2018	(1509503)
Item 4	September 20, 2018	(1529053)
Item 5	October 16, 2018	(1529052)
Item 6	October 17, 2018	(1529056)
Item 7	October 19, 2018	(1535366)

Item 8	November 21, 2018	(1543219)
Item 9	December 21, 2018	(1546952)
Item 10	January 18, 2019	(1565017)
Item 11	March 29, 2019	(1565016)
Item 12	April 18, 2019	(1573594)
Item 13	May 28, 2019	(1586782)
Item 14	June 20, 2019	(1586783)
Item 15	December 31, 2019	(1628148)
Item 16	February 04, 2020	(1635778)
Item 17	May 20, 2021	(1742620)
Item 18	August 03, 2021	(1753403)
Item 19	August 27, 2021	(1768125)
Item 20	September 22, 2021	(1768126)
Item 21	October 25, 2021	(1778667)
Item 22	December 06, 2021	(1785334)
Item 23	December 30, 2021	(1792373)

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: 02/28/2021 (1730683)
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: 03/31/2021 (1730684)
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: 05/31/2021 (1748471)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
STONETOWN WALNUT
CREEK, LLC
RN102915691**

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2021-1143-MWD-E**

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Stonetown Walnut Creek, 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 together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located at 3600 North Cummings Drive in Johnson 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. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$23,713 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$18,971 of the penalty and \$4,742 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or

required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. By preparing and submitting the Discharge Monitoring Report ("DMR") for the October 2020 monthly monitoring period by May 27, 2021.
 - b. By determining the cause of noncompliance and making necessary repairs/adjustments to the Facility to achieve compliance with the permitted effluent limitations of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013868001 by June 1, 2021.

II. ALLEGATIONS

During a record review conducted on March 30, 2021, an investigator documented that the Respondent:

1. Failed to submit effluent monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d), and TPDES Permit No. WQ0013868001, Monitoring and Reporting Requirements No. 1. Specifically, the Respondent failed to submit the DMR for the October 2020 monthly monitoring period.
2. Failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0013868001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6, as shown in the effluent violation table below:

Month/ Year	BOD (5-day) Daily Avg. Conc. Limit = 20 mg/L	BOD (5-day) Single Grab Conc. Limit = 65 mg/L	Flow Daily Average Limit = 0.0225 MGD	DO Monthly Min. Conc. Limit = 3 mg/L	TSS Daily Avg. Conc. Limit = 20 mg/L	TSS Single Grab Conc. Limit = 65 mg/L	TSS Daily Avg. Loading Limit = 3.8 lbs/day	<i>E. coli</i> Single Grab Limit = 399 CFU/ 100 mL
January 2020	22	C	C	C	30	C	C	C
February 2020	25	C	C	C	62	130	C	C
March 2020	C	C	0.0227	C	C	C	C	C
April 2020	22	C	C	C	32	C	C	1,120
May 2020	32	C	C	C	50	C	5.6	C
June 2020	52	95	C	C	28	C	C	C
July 2020	37	72	C	2.4	31	C	C	C
August 2020	22	C	C	C	37	C	C	C
September 2020	21	C	C	C	38	C	C	C
October 2020	28	C	C	C	38	C	C	C
November 2020	C	C	0.05926	C	34	C	C	C
December 2020	21	C	C	C	48	C	C	C

BOD = Biochemical Oxygen Demand
Avg. = Average
mg/L = milligrams per liter
lbs/day = pounds per day
C = compliant
DO = dissolved oxygen

CFU/100 mL = colony forming units per 100 milliliters
Conc. = Concentration
Min. = Minimum
E. coli = *Escherichia coli*
MGD = million gallons per day
TSS = total suspended solids

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Stonetown Walnut Creek, LLC, Docket No. 2021-1143-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. 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.
6. 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.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

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

10/6/2022

Date

Adam Minnick

Authorized Signatory

Name (Printed or typed)

Title

Authorized Representative of
Stonetown Walnut Creek, LLC

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