

Executive Summary – Enforcement Matter – Case No. 61315

Aqua Texas, Inc.

RN102343126

Docket No. 2021-1202-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:

Wilson Road Properties, 3820 1/2 Grand Prix Drive, Harris County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 1, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$39,165

Total Paid to General Revenue: \$39,165

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: July 28, 2021

Date(s) of NOE(s): August 19, 2021

Executive Summary – Enforcement Matter – Case No. 61315

Aqua Texas, Inc.

RN102343126

Docket No. 2021-1202-MWD-E

Violation Information

1. Failed to comply with permitted effluent limitations for *Escherichia coli*, total residual chlorine, ammonia nitrogen, carbonaceous biochemical oxygen demand, and total suspended solids [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013870001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2].

2. Failed to collect and analyze effluent samples at the intervals specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b) and TPDES Permit No. WQ0013870001, Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Respondent shall undertake the following technical requirements:

- a. Within 30 days, develop and implement procedures and conduct employee training to ensure samples are collected and analyzed in accordance with permit requirements;
- b. Within 45 days, submit written certification to demonstrate compliance with a.; and
- c. Within 130 days, submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0013870001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Contact Information

TCEQ Attorney: N/A

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

Respondent: Craig Blanchette, President, Aqua Texas, Inc., 1106 Clayton Suite Lane, Suite 400 West, 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	30-Aug-2021	Screening	9-Sep-2021	EPA Due	
	PCW	13-Sep-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	Aqua Texas, Inc.
Reg. Ent. Ref. No.	RN102343126
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	61315	No. of Violations	4
Docket No.	2021-1202-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Ellen Ojeda
		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	\$31,250
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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	25.0%	Adjustment	Subtotals 2, 3, & 7	\$7,812
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Notes	Enhancement for five months of self-reported effluent violations.
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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	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,895	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$15,350	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$39,062
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.3%	Adjustment	\$103
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Recommended enhancement to capture the avoided cost of compliance associated with Violation No. 4.
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Final Penalty Amount	\$39,165
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$39,165
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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	\$39,165
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Screening Date 9-Sep-2021

Docket No. 2021-1202-MWD-E

PCW

Respondent Aqua Texas, Inc.

Policy Revision 5 (January 28, 2021)

Case ID No. 61315

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102343126

Media Water Quality

Enf. Coordinator Ellen Ojeda

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	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) 25%

>> 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 five months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 25%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 25%

Screening Date	9-Sep-2021	Docket No.	2021-1202-MWD-E	PCW
Respondent	Aqua Texas, Inc.			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	61315			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN102343126			
Media	Water Quality			
Enf. Coordinator	Ellen Ojeda			

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013870001, Effluent Limitations and Monitoring Requirements No. 1

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

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	x	<input type="text"/>	<input type="text" value="25.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

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

Matrix Notes

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

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One monthly event is recommended for June 2020.

Good Faith Efforts to Comply

Reduction

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

Notes

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Aqua Texas, Inc.
Case ID No. 61315
Reg. Ent. Reference No. RN102343126
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)	\$15,000	30-Jun-2020	13-Nov-2022	2.37	\$1,779	n/a	\$1,779

Notes for DELAYED costs

Estimated Other 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 end date of the first month of noncompliance, and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$15,000

TOTAL \$1,779

Screening Date	9-Sep-2021	Docket No.	2021-1202-MWD-E	PCW
Respondent	Aqua Texas, Inc.	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	61315	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN102343126			
Media	Water Quality			
Enf. Coordinator	Ellen Ojeda			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0013870001, 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	Harm				Percent
	Release	Major	Moderate	Minor	
	Actual	x			
	Potential				50.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes
 A simplified model was used to evaluate ammonia nitrogen and carbonaceous biochemical oxygen demand (5-day). Total suspended solids was also considered. 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.

Adjustment \$12,500

\$12,500

Violation Events

Number of Violation Events Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$12,500

One monthly event is recommended for April 2021.

Good Faith Efforts to Comply Reduction

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

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

Violation Subtotal \$12,500

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Aqua Texas, Inc.
Case ID No. 61315
Reg. Ent. Reference No. RN102343126
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

Delayed costs are captured on the Economic Benefit Worksheet for Violation No. 1.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date	9-Sep-2021	Docket No.	2021-1202-MWD-E	PCW
Respondent	Aqua Texas, Inc.			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	61315			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN102343126			
Media	Water Quality			
Enf. Coordinator	Ellen Ojeda			

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System TPDES Permit No. WQ0013870001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2

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

Base Penalty

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	Percent <input type="text" value="15.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

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

Matrix Notes A simplified model was used to evaluate ammonia nitrogen. Total suspended solids and total residual chlorine 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

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Three quarterly events are recommended for the quarters containing the months of July and October 2020 and February and March 2021.

Good Faith Efforts to Comply Reduction

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

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

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Aqua Texas, Inc.
Case ID No. 61315
Reg. Ent. Reference No. RN102343126
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				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

Delayed costs are captured on the Economic Benefit Worksheet for Violation No. 1.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 9-Sep-2021	Docket No. 2021-1202-MWD-E	PCW
Respondent Aqua Texas, Inc.		<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No. 61315		<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No. RN102343126		
Media Water Quality		
Enf. Coordinator Ellen Ojeda		

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.5(b) and TPDES Permit No. WQ0013870001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the Respondent did not collect and analyze a sample for Escherichia coli for the quarterly monitoring period ending December 31, 2020.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm				
		Major	Moderate		Minor
	Release	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	x	<input type="text"/>	
				Percent <input type="text" value="5.0%"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="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.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply Reduction

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

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

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Aqua Texas, Inc.
Case ID No. 61315
Reg. Ent. Reference No. RN102343126
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	\$250	28-Jul-2021	5-Aug-2022	1.02	\$13	n/a	\$13
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 Training/Sampling cost to develop and implement procedures and conduct employee training to ensure samples are collected and analyzed in accordance with permit requirements. 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)	\$100	31-Dec-2020	9-Sep-2021	0.69	\$3	\$100	\$103

Notes for AVOIDED costs

Estimated avoided cost to collect and analyze effluent samples. The Date Required is the initial date of noncompliance, and the Final Date is the screening date.

Approx. Cost of Compliance

\$350

TOTAL

\$116

Aqua Texas, Inc.
 TPDES Permit No. WQ0013870001
 Docket No. 2021-1202-MWD-E
 Case No. 61315

Effluent Violation Table							
Monitoring Period		June 2020	July 2020	October 2020	February 2021	March 2021	April 2021
CBOD	Daily Avg. Conc. Limit = 10 mg/L	c	c	c	c	c	>11
	Single Grab Conc. Limit = 35 mg/L	c	c	c	c	c	>17.8
	Daily Avg. Loading Limit = 8.3 lbs/day	c	c	c	c	c	>3.69
Total Residual Chlorine	Monthly Minimum Limit = 1 mg/L	c	c	c	0.82	c	c
Ammonia Nitrogen	Daily Avg. Conc. Limit = 3 mg/L*	c	5.07	c	N/A	N/A	17.2
	Daily Avg. Conc. Limit = 5 mg/L**	N/A	N/A	N/A	c	8.93	N/A
	Single Grab Conc. Limit = 15 mg/L	c	c	c	c	24.6	31
	Daily Avg. Loading Limit = 2.5 lbs/day	c	c	c	c	c	4.77
TSS	Daily Avg. Conc. Limit = 15 mg/L	c	c	18	c	c	38
	Single Grab Conc. Limit = 60 mg/L	c	c	c	c	c	134
	Daily Avg. Loading Limit = 12 lbs/day	c	c	c	c	c	15.5
<i>Escherichia coli</i>	Single Grab Conc. Limit = 200 CFU/100 mL	1,300	c	c	c	c	c

Avg. = average

c = compliant

CBOD = carbonaceous biochemical oxygen demand (5-day)

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

Conc. = concentration

N/A = Not Applicable

lbs/day = pounds per day

mg/L = milligrams per liter

TSS = total suspended solids

* April through October

**November through March

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 CN604062463, RN102343126, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN604062463, Aqua Texas, Inc. **Classification:** SATISFACTORY **Rating:** 5.97

Regulated Entity: RN102343126, WILSON ROAD PROPERTIES **Classification:** SATISFACTORY **Rating:** 1.82

Complexity Points: 5 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: 3820 ½ Grand Prix Drive in Harris County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):
WASTEWATER PERMIT WQ0013870001 **WASTEWATER EPA ID** TX0119067

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

Date Compliance History Report Prepared: January 10, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 10, 2017 to January 10, 2022

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Stephanie Frederick **Phone:** (512) 239-1001

Site and Owner/Operator History:

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

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	January 19, 2017	(1398948)	Item 15	May 16, 2018	(1502397)
Item 2	February 20, 2017	(1405856)	Item 16	July 19, 2018	(1515831)
Item 3	March 16, 2017	(1412940)	Item 17	September 07, 2018	(1521872)
Item 4	April 24, 2017	(1419433)	Item 18	September 19, 2018	(1529071)
Item 5	May 15, 2017	(1427078)	Item 19	October 19, 2018	(1535378)
Item 6	June 16, 2017	(1433069)	Item 20	November 20, 2018	(1543232)
Item 7	July 16, 2017	(1441647)	Item 21	December 20, 2018	(1546964)
Item 8	September 18, 2017	(1445314)	Item 22	January 20, 2019	(1565053)
Item 9	October 19, 2017	(1457772)	Item 23	February 18, 2019	(1565051)
Item 10	November 20, 2017	(1463207)	Item 24	March 20, 2019	(1565052)
Item 11	December 20, 2017	(1469626)	Item 25	April 19, 2019	(1573606)
Item 12	February 19, 2018	(1488512)	Item 26	May 20, 2019	(1586806)
Item 13	March 16, 2018	(1492171)	Item 27	June 18, 2019	(1586807)
Item 14	April 20, 2018	(1495460)			

Item 28	July 19, 2019	(1594950)	Item 38	June 16, 2020	(1668366)
Item 29	September 12, 2019	(1601245)	Item 39	September 17, 2020	(1688656)
Item 30	October 21, 2019	(1615025)	Item 40	October 20, 2020	(1695022)
Item 31	November 19, 2019	(1620831)	Item 41	December 18, 2020	(1717675)
Item 32	December 19, 2019	(1628160)	Item 42	January 20, 2021	(1717676)
Item 33	January 19, 2020	(1635790)	Item 43	February 19, 2021	(1730721)
Item 34	February 19, 2020	(1642405)	Item 44	June 21, 2021	(1748480)
Item 35	March 18, 2020	(1648915)	Item 45	August 20, 2021	(1758808)
Item 36	April 19, 2020	(1655271)	Item 46	August 31, 2021	(1746999)
Item 37	May 18, 2020	(1661827)	Item 47	September 21, 2021	(1768140)

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 (1730722)
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 (1730723)
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: 04/30/2021 (1742638)
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

- 4 Date: 06/30/2021 (1753416)
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

- 5 Date: 09/30/2021 (1778680)
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

Component Appendices

Appendix A

All NOVs Issued During Component Period 1/10/2017 and 1/10/2022

- 1 Date: 12/31/2017 (1476338) Classification: Moderate
Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 2 Date: 05/31/2018 (1509516) Classification: Moderate
Self Report? YES For Informational Purposes Only
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: 08/31/2019 (1608156) Classification: Moderate
Self Report? YES For Informational Purposes Only
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
- 4 Date: 06/30/2020 (1675311) Classification: Moderate
Self Report? YES For Informational Purposes Only
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
- 5 Date: 07/31/2020 (1682092) Classification: Moderate
Self Report? YES For Informational Purposes Only
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
- 6* Date: 10/31/2020 (1717674) Classification: Moderate
Self Report? YES For Informational Purposes Only
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
- 7* Date: 02/28/2021 (1730722) Classification: Moderate
Self Report? YES For Informational Purposes Only
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
- 8* Date: 03/31/2021 (1730723) Classification: Moderate
Self Report? YES For Informational Purposes Only
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
- 9* Date: 04/30/2021 (1742638) Classification: Moderate

Self Report? YES For Informational Purposes Only
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: 06/30/2021 (1753416) Classification: Moderate

Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

11 Date: 09/30/2021 (1778680) Classification: Moderate

Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

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

Appendix B

All Investigations Conducted During Component Period January 10, 2017 and January 10, 2022

- Item 1* January 19, 2017** (1398948) For Informational Purposes Only
- Item 2* February 20, 2017** (1405856) For Informational Purposes Only
- Item 3* March 16, 2017** (1412940) For Informational Purposes Only
- Item 4* April 24, 2017** (1419433) For Informational Purposes Only
- Item 5* May 15, 2017** (1427078) For Informational Purposes Only
- Item 6* June 16, 2017** (1433069) For Informational Purposes Only
- Item 7* July 16, 2017** (1441647) For Informational Purposes Only
- Item 8* September 18, 2017** (1445314) For Informational Purposes Only
- Item 9* October 19, 2017** (1457772) For Informational Purposes Only
- Item 10* November 20, 2017** (1463207) For Informational Purposes Only
- Item 11* December 20, 2017** (1469626) For Informational Purposes Only
- Item 12 January 19, 2018** (1476338) For Informational Purposes Only
- Item 13* February 19, 2018** (1488512) For Informational Purposes Only

Item 14*	March 16, 2018**	(1492171) For Informational Purposes Only
Item 15*	April 20, 2018**	(1495460) For Informational Purposes Only
Item 16*	May 16, 2018**	(1502397) For Informational Purposes Only
Item 17	June 19, 2018**	(1509516) For Informational Purposes Only
Item 18*	July 19, 2018**	(1515831) For Informational Purposes Only
Item 19*	September 07, 2018**	(1521872) For Informational Purposes Only
Item 20*	September 19, 2018**	(1529071) For Informational Purposes Only
Item 21*	October 19, 2018**	(1535378) For Informational Purposes Only
Item 22*	November 20, 2018**	(1543232) For Informational Purposes Only
Item 23*	December 20, 2018**	(1546964) For Informational Purposes Only
Item 24*	January 20, 2019**	(1565053) For Informational Purposes Only
Item 25*	February 18, 2019**	(1565051) For Informational Purposes Only
Item 26*	March 20, 2019**	(1565052) For Informational Purposes Only
Item 27*	April 19, 2019**	(1573606) For Informational Purposes Only
Item 28*	May 20, 2019**	(1586806) For Informational Purposes Only
Item 29*	June 18, 2019**	(1586807) For Informational Purposes Only
Item 30*	July 19, 2019**	(1594950) For Informational Purposes Only
Item 31*	September 12, 2019**	(1601245) For Informational Purposes Only
Item 32	September 18, 2019**	(1608156) For Informational Purposes Only
Item 33*	October 21, 2019**	(1615025) For Informational Purposes Only
Item 34*	November 19, 2019**	(1620831) For Informational Purposes Only
		(1628160)

Item 35*	December 19, 2019**	For Informational Purposes Only (1635790)
Item 36*	January 19, 2020**	For Informational Purposes Only (1642405)
Item 37*	February 19, 2020**	For Informational Purposes Only (1648915)
Item 38*	March 18, 2020**	For Informational Purposes Only (1655271)
Item 39*	April 19, 2020**	For Informational Purposes Only (1661827)
Item 40*	May 18, 2020**	For Informational Purposes Only (1668366)
Item 41*	June 16, 2020**	For Informational Purposes Only (1675311)
Item 42	July 20, 2020**	For Informational Purposes Only (1682092)
Item 43	September 17, 2020**	For Informational Purposes Only (1695022)
Item 44*	October 20, 2020**	For Informational Purposes Only (1717674)
Item 45	November 19, 2020**	For Informational Purposes Only (1717675)
Item 46*	December 18, 2020**	For Informational Purposes Only (1717676)
Item 47*	January 20, 2021**	For Informational Purposes Only (1730721)
Item 48*	February 19, 2021**	For Informational Purposes Only (1730722)
Item 49	March 19, 2021**	For Informational Purposes Only (1730723)
Item 50	April 20, 2021**	For Informational Purposes Only (1742638)
Item 51	May 20, 2021**	For Informational Purposes Only (1748480)
Item 52*	June 21, 2021**	For Informational Purposes Only (1753416)
Item 53	July 20, 2021**	For Informational Purposes Only (1758808)
Item 54*	August 20, 2021**	For Informational Purposes Only (1747189)
Item 55	August 23, 2021**	For Informational Purposes Only (1746999)

Item 56*	August 31, 2021**	For Informational Purposes Only (1768140)
Item 57*	September 21, 2021	For Informational Purposes Only (1778680)
Item 58	October 20, 2021	For Informational Purposes Only

* No violations documented during this investigation

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
AQUA TEXAS, INC.
RN102343126**

**§
§
§
§
§**

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2021-1202-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 at 3820 1/2 Grand Prix Drive in Harris County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. During a record review conducted on July 28, 2021, an investigator documented that
 - a. The Respondent did not comply with permitted effluent limitations, as shown in the effluent violation table below:

Effluent Violation Table							
Monitoring Period		June 2020	July 2020	October 2020	February 2021	March 2021	April 2021
CBOD	Daily Avg. Conc. Limit = 10 mg/L	c	c	c	c	c	>11
	Single Grab Conc. Limit = 35 mg/L	c	c	c	c	c	>17.8
	Daily Avg. Loading Limit = 8.3 lbs/day	c	c	c	c	c	>3.69
Total Residual Chlorine	Monthly Minimum Limit = 1 mg/L	c	c	c	0.82	c	c
Ammonia Nitrogen	Daily Avg. Conc. Limit = 3 mg/L*	c	5.07	c	N/A	N/A	17.2
	Daily Avg. Conc. Limit = 5 mg/L**	N/A	N/A	N/A	c	8.93	N/A
	Single Grab Conc. Limit = 15 mg/L	c	c	c	c	24.6	31
	Daily Avg. Loading Limit = 2.5 lbs/day	c	c	c	c	c	4.77
TSS	Daily Avg. Conc. Limit = 15 mg/L	c	c	18	c	c	38
	Single Grab Conc. Limit = 60 mg/L	c	c	c	c	c	134
	Daily Avg. Loading Limit = 12 lbs/day	c	c	c	c	c	15.5
<i>Escherichia coli</i>	Single Grab Conc. Limit = 200 CFU/100 mL	1,300	c	c	c	c	c

Avg. = average
c = compliant
CBOD = carbonaceous biochemical oxygen demand (5-day)
CFU/100 mL = colony-forming units per 100 milliliters
Conc. = concentration
N/A = Not Applicable

lbs/day = pounds per day
mg/L = milligrams per liter
TSS = total suspended solids
* April through October
**November through March

- b. The Respondent did not collect and analyze a sample for *Escherichia coli* for the quarterly monitoring period ending December 31, 2020.

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 comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013870001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2.
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to collect and analyze effluent samples at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b) and TPDES Permit No. WQ0013870001, Effluent Limitations and Monitoring Requirements No. 1.
4. 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.
5. An administrative penalty in the amount of \$39,165 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 \$39,165 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. 5 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. 2021-1202-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, develop and implement procedures and conduct employee training to ensure samples are collected and analyzed in accordance with permit requirements.
- b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.c below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
- c. Within 130 days after the effective date of this Order, submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0013870001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

3. All relief not expressly granted in this Order is denied.

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

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

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date


For the Executive Director

11/7/2022
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

10/13/22
Date

Craig Blanchette
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.