

**Executive Summary – Enforcement Matter – Case No. 61642**

**Royal Valley Utilities, Inc.**

**RN104621990**

**Docket No. 2021-1557-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:**

Yes

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

Kingdom Heights WWTP, 5703 1/2 Kingdom Heights Boulevard, Richmond, Fort Bend County

**Type of Operation:**

Domestic 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 26, 2024

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$24,750

**Total Paid to General Revenue:** \$24,750

**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:** September 21, 2021

**Date(s) of NOE(s):** November 12, 2021

**Executive Summary – Enforcement Matter – Case No. 61642  
Royal Valley Utilities, Inc.  
RN104621990  
Docket No. 2021-1557-MWD-E**

***Violation Information***

Failed to comply with permitted effluent limitations for daily average flow, ammonia nitrogen, and carbonaceous biochemical oxygen demand (5-day) [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014623001, Interim I Effluent Limitations and Monitoring Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

By March 31, 2022, the Respondent, for three consecutive months, achieved compliance with the permitted effluent limitations of TPDES Permit No. WQ0014623001 at the Facility.

**Technical Requirements:**

N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Mark Gamble, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-2587; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Mark Millis, President, Royal Valley Utilities, Inc., 22 Jim Davidson Drive, Sugar Land, Texas 77498

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	22-Nov-2021			
	<b>PCW</b>	21-Feb-2022	<b>Screening</b>	3-Dec-2021	<b>EPA Due</b>

<b>RESPONDENT/FACILITY INFORMATION</b>					
<b>Respondent</b>	Royal Valley Utilities, Inc.				
<b>Reg. Ent. Ref. No.</b>	RN104621990				
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Minor		

<b>CASE INFORMATION</b>					
<b>Enf./Case ID No.</b>	61642	<b>No. of Violations</b>	2		
<b>Docket No.</b>	2021-1557-MWD-E	<b>Order Type</b>	Findings		
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No		
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Mark Gamble		
		<b>EC's Team</b>	Enforcement Team 1		
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000	

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$27,500
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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.

<b>Compliance History</b>	0.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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Notes	No adjustment for Compliance History.
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<b>Culpability</b>	No	0.0%	Enhancement	<b>Subtotal 4</b>	\$0
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Notes	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$2,750
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$833	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$10,000	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$24,750
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

<b>Final Penalty Amount</b>	\$24,750
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$24,750
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<b>DEFERRAL</b>	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.

<b>PAYABLE PENALTY</b>	\$24,750
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Screening Date

3-Dec-2021

Docket No.

2021-1557-MWD-E

PCW

Respondent

Royal Valley Utilities, Inc.

Case ID No.

61642

Reg. Ent. Reference No.

RN104621990

Media

Water Quality

Enf. Coordinator

Mark Gamble

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> )	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)0%

>> Repeat Violator (Subtotal 3)

NoAdjustment Percentage (Subtotal 3)0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory PerformerAdjustment Percentage (Subtotal 7)0%

>> Compliance History Summary

Compliance History Notes

No adjustment for Compliance History.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)0%

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100%0%

<b>Screening Date</b>	3-Dec-2021	<b>Docket No.</b>	2021-1557-MWD-E	<b>PCW</b>	
<b>Respondent</b>	Royal Valley Utilities, Inc.			Policy Revision 5 (January 28, 2021)	
<b>Case ID No.</b>	61642	PCW Revision February 11, 2021			
<b>Reg. Ent. Reference No.</b>	RN104621990				
<b>Media</b>	Water Quality				
<b>Enf. Coordinator</b>	Mark Gamble				
<b>Violation Number</b>	1				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014623001, Interim I Effluent Limitations and Monitoring Requirements No. 1				
<b>Violation Description</b>	Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.				
<b>Base Penalty</b>				\$25,000	
>> Environmental, Property and Human Health Matrix					
OR	<b>Release</b>	<b>Harm</b>			
		Major	Moderate	Minor	
	Actual	x			
	Potential				<b>Percent</b> 50.0%
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%
Matrix Notes	A simplified model was used to evaluate carbonaceous biochemical oxygen demand (5-day) and ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded protective levels. 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.				
<b>Adjustment</b>				\$12,500	
					\$12,500
>> Violation Events					
Number of Violation Events		1	30	Number of violation days	
	daily				
	weekly				
	monthly	x			
	quarterly				
	semiannual				
	annual				
	single event			<b>Violation Base Penalty</b> \$12,500	
One monthly event is recommended for the month of April 2021.					
<b>Good Faith Efforts to Comply</b>		10.0%	<b>Reduction</b>		\$1,250
	Extraordinary		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
	Ordinary			x	
	N/A				
	Notes	The Respondent achieved compliance by March 31, 2022.			
<b>Violation Subtotal</b>				\$11,250	
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		\$833	<b>Violation Final Penalty Total</b>		\$11,250
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$11,250	

# Economic Benefit Worksheet

**Respondent** Royal Valley Utilities, Inc.  
**Case ID No.** 61642  
**Reg. Ent. Reference No.** RN104621990  
**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)	\$10,000	31-Jul-2020	31-Mar-2022	1.67	\$833	n/a	\$833
Notes for DELAYED costs	Estimated 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 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	\$10,000	TOTAL	\$833
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<b>Screening Date</b> 3-Dec-2021		<b>Docket No.</b> 2021-1557-MWD-E		<b>PCW</b>	
<b>Respondent</b> Royal Valley Utilities, Inc.		<i>Policy Revision 5 (January 28, 2021)</i>			
<b>Case ID No.</b> 61642		<i>PCW Revision February 11, 2021</i>			
<b>Reg. Ent. Reference No.</b> RN104621990					
<b>Media</b> Water Quality					
<b>Enf. Coordinator</b> Mark Gamble					
<b>Violation Number</b> 2					
<b>Rule Cite(s)</b>		30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0014623001, Interim I Effluent Limitations and Monitoring Requirements No. 1			
<b>Violation Description</b>		Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.			
		<b>Base Penalty</b>		\$25,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>OR</b>	<b>Release</b>		<b>Harm</b>		
		Major	Moderate	Minor	
	Actual			x	
	Potential				<b>Percent</b> 15.0%
<b>&gt;&gt; Programmatic Matrix</b>					
	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 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.				
<b>Adjustment</b>					\$21,250
					\$3,750
<b>Violation Events</b>					
Number of Violation Events		4	215		Number of violation days
	daily				
	weekly				
	monthly				
	quarterly	x			
	semiannual				
	annual				
	single event				
					<b>Violation Base Penalty</b> \$15,000
Four quarterly events are recommended for the quarters containing the months of July, August, September, November, and December 2020, and January and May 2021.					
<b>Good Faith Efforts to Comply</b>		10.0%		Reduction \$1,500	
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary				
	Ordinary		x		
	N/A				
	Notes	The Respondent achieved compliance by March 31, 2022.			
<b>Violation Subtotal</b>					\$13,500
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		\$0		<b>Violation Final Penalty Total</b> \$13,500	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>					\$13,500

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Royal Valley Utilities, Inc. 61642 RN104621990 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	The delayed cost is captured in the Economic Benefit Worksheet for Violation No. 1						

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

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

Approx. Cost of Compliance	\$0	TOTAL	\$0
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Royal Valley Utilities, Inc.  
Docket No. 2021-1557-MWD-E  
TPDES Permit No. WQ0014623001  
Case No. 61642

Effluent Violation Table

Monitoring period	Flow	Ammonia Nitrogen			CBOD (5-day)
	Daily Average	Daily Average Concentration	Single Grab Concentration	Daily Average Loading	Daily Average Concentration
Month/Year	Limit = 0.135 MGD	Limit = 3 mg/L	Limit = 15 mg/L	Limit = 3.4 lbs/day	Limit = 10 mg/L
July 2020	0.145	c	c	c	c
August 2020	0.136	c	c	c	c
September 2020	0.1567	c	c	c	c
November 2020	0.1594	c	c	c	c
December 2020	0.1594	c	c	c	c
January 2021	0.1572	c	c	c	c
April 2021	c	13.6	38.3	12.3825	10.4
May 2021	0.206	4.5	c	10.8935	c
CBOD (5-day) = carbonaceous biochemical oxygen demand c = compliant lbs/day = pounds per day				MGD = millions of gallons per day mg/L = milligrams per liter	



# Compliance History Report

Compliance History Report for CN600653224, RN104621990, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

**Customer, Respondent, or Owner/Operator:** CN600653224, Royal Valley Utilities, Inc. **Classification:** SATISFACTORY **Rating:** 0.20

**Regulated Entity:** RN104621990, KINGDOM HEIGHTS WWTP **Classification:** SATISFACTORY **Rating:** 0.40

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

**CH Group:** 08 - Sewage Treatment Facilities

**Location:** 5703 1/2 Kingdom Heights Boulevard, in Fort Bend County, Texas

**TCEQ Region:** REGION 12 - HOUSTON

**ID Number(s):**

**WASTEWATER PERMIT** WQ0014623001

**WASTEWATER EPA ID** TX0127965

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

**Date Compliance History Report Prepared:** January 19, 2023

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** January 19, 2018 to January 19, 2023

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

**Name:** Mark Gamble

**Phone:** (512) 239-2587

## Site and Owner/Operator History:

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

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

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

N/A

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

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

Item 1	February 15, 2018	(1488787)	Item 16	September 25, 2019	(1601536)
Item 2	April 13, 2018	(1492451)	Item 17	October 18, 2019	(1615317)
Item 3	April 30, 2018	(1495753)	Item 18	November 19, 2019	(1621120)
Item 4	May 15, 2018	(1502710)	Item 19	January 20, 2020	(1636079)
Item 5	June 19, 2018	(1509805)	Item 20	February 14, 2020	(1642702)
Item 6	July 18, 2018	(1516126)	Item 21	March 19, 2020	(1649204)
Item 7	September 14, 2018	(1529362)	Item 22	April 17, 2020	(1655568)
Item 8	September 17, 2018	(1522162)	Item 23	May 20, 2020	(1662115)
Item 9	October 16, 2018	(1535667)	Item 24	November 11, 2020	(1718522)
Item 10	November 15, 2018	(1543542)	Item 25	March 11, 2021	(1731582)
Item 11	December 19, 2018	(1547246)	Item 26	April 19, 2021	(1731583)
Item 12	March 08, 2019	(1565947)	Item 27	May 26, 2021	(1722341)
Item 13	April 15, 2019	(1573896)	Item 28	July 19, 2021	(1753695)
Item 14	May 15, 2019	(1587385)	Item 29	August 18, 2021	(1759078)
Item 15	September 18, 2019	(1608447)	Item 30	September 16, 2021	(1768449)

Item 31	October 12, 2021	(1779198)	Item 38	June 16, 2022	(1837104)
Item 32	November 15, 2021	(1785629)	Item 39	July 19, 2022	(1844288)
Item 33	December 14, 2021	(1792678)	Item 40	August 19, 2022	(1850500)
Item 34	February 15, 2022	(1808343)	Item 41	September 16, 2022	(1858231)
Item 35	March 11, 2022	(1815394)	Item 42	October 19, 2022	(1864568)
Item 36	April 19, 2022	(1821954)	Item 43	November 16, 2022	(1871476)
Item 37	May 16, 2022	(1830854)			

**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

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
ROYAL VALLEY UTILITIES, INC.  
RN104621990

§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2021-1557-MWD-E

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Royal Valley Utilities, 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 5703 1/2 Kingdom Heights Boulevard, Fort Bend 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 for the Facility conducted on September 21, 2021, an investigator documented that the Respondent did not comply with permitted effluent limitations, as shown in the effluent violation table below:

Effluent Violation Table					
Monitoring period	Flow	Ammonia Nitrogen			CBOD (5-day)
	Daily Average	Daily Average Concentration	Single Grab Concentration	Daily Average Loading	Daily Average Concentration
Month/Year	Limit = 0.135 MGD	Limit = 3 mg/L	Limit = 15 mg/L	Limit = 3.4 lbs/day	Limit = 10 mg/L
July 2020	0.145	c	c	c	c
August 2020	0.136	c	c	c	c
September 2020	0.1567	c	c	c	c
November 2020	0.1594	c	c	c	c
December 2020	0.1594	c	c	c	c
January 2021	0.1572	c	c	c	c
April 2021	c	13.6	38.3	12.3825	10.4
May 2021	0.206	4.5	c	10.8935	c

CBOD (5-day) = carbonaceous biochemical oxygen demand

c = compliant

lbs/day = pounds per day

MGD = millions of gallons per day

mg/L = milligrams per liter

3. The Executive Director recognizes that by March 31, 2022, the Respondent, for three consecutive months, achieved compliance with the permitted effluent limitations of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014623001 at the Facility.

## II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to 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. WQ0014623001, Interim I Effluent Limitations and Monitoring Requirements No. 1.
3. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

4. An administrative penalty in the amount of \$24,750 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 \$24,750 penalty.

### **III. ORDERING PROVISIONS**

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Royal Valley Utilities, Inc., Docket No. 2021-1557-MWD-E" to:

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

2. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
6. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

  
For the Executive Director

7/22/2024  
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

7/18/24  
Date

Mark W. Mills  
Name (Printed or typed)  
Authorized Representative of  
Royal Valley Utilities, Inc.

CEO & MANAGER  
Title

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

22 Jim Davidson Dr.  
Sugar Land, Texas  
77498

281-343-1400 - Phone  
MARK@millsigroup.com - email

**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.