

Executive Summary – Enforcement Matter – Case No. 62117
PERMIAN LODGING ORLA LLC
RN111242798
Docket No. 2022-0335-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM – PWS, WQ

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Permian Lodging Orla, 7 County Road 433 East near Orla, Reeves County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: January 12, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$60,880

Amount Deferred for Expedited Settlement: \$12,176

Total Paid to General Revenue: \$48,704

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: April 26, 2021 through August 10, 2021 and December 28, 2022

Date(s) of NOE(s): February 14, 2023

Executive Summary – Enforcement Matter – Case No. 62117
PERMIAN LODGING ORLA LLC
RN111242798
Docket No. 2022-0335-MLM-E

Violation Information

1. Failed to obtain authorization to discharge wastewater into or adjacent to any water in the state. Specifically, on April 26, 2021, it was documented that the Respondent was discharging domestic wastewater into Four Mile Draw without authorization through a Texas Pollutant Discharge Elimination System ("TPDES") permit [30 TEX. ADMIN. CODE § 305.1(b)(2) and TEX. WATER CODE § 26.121(a)(1)].
2. Failed to obtain authorization to discharge wastewater into or adjacent to any water in the state. Specifically, on April 26, 2021, it was documented that the Respondent was discharging reverse osmosis wastewater into Four Mile Draw without authorization through a TPDES permit [30 TEX. ADMIN. CODE § 305.42(a) and TEX. WATER CODE § 26.121(a)(1)].
3. Failed to submit plans and specifications to the Executive Director for review and approval prior to the construction of a new public water supply. Specifically, the Respondent was operating a business which meets the definition of a transient noncommunity public water supply without first obtaining approval [30 TEX. ADMIN. CODE § 290.39(e)(1) and (h)(1) and TEX. HEALTH & SAFETY CODE § 341.035(a)].
4. Failed to submit well completion data for review and approval prior to placing the Facility's public drinking water well into service [30 TEX. ADMIN. CODE § 290.41(c)(3)(A)].
5. Failed to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection [30 TEX. ADMIN. CODE § 290.42(b)(1) and (e)(3)].
6. Failed to submit monitoring results at intervals specified in the permit. Specifically, the discharge monitoring reports ("DMRs") from March 2022 through September 2022 for Outfall No. 001A and for the months of May and August 2022 for Outfall No. 001Q were not submitted by the 20th day of the following month [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES Permit No. WQ0015976001, Monitoring and Reporting Requirement No. 1, Outfall Nos. 001A and 001Q].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. On August 10, 2021, provided disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection;
- b. On February 3, 2022, obtained authorization to discharge domestic wastewater into or adjacent to any water in the state by obtaining TPDES Permit No. WQ0015976001; and

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RN111242798
Docket No. 2022-0335-MLM-E

c. On February 22, 2022, obtained authorization to discharge reverse osmosis wastewater into or adjacent to any water in the state by obtaining TPDES Permit No. WQ0005319000.

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

i. Submit DMRs for the monthly monitoring periods of March 2022 through September 2022 for Outfall No. 001A and for May and August 2022 for Outfall No. 001Q; and

ii. Develop and implement procedures and conduct employee training to ensure DMRs are submitted.

b. Within 45 days, submit written certification to demonstrate compliance with a.

c. Within 180 days:

i. Submit plans and specifications of the public water supply for review and approval; and

ii. Submit well completion data for review and approval for the Facility's well.

d. Within 195 days, submit written certification to demonstrate compliance with c.

e. Within 270 days:

i. Obtain approval of the plans and specifications for the public water supply system; and

ii. Obtain approval of the well completion data for the Facility's well.

f. Within 285 days, submit written certification to demonstrate compliance with e.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Samantha Salas, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-1543; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Richard Paul Beaulieu, Manager, PERMIAN LODGING ORLA LLC, 1 Flagg Place, Suite 1, Lafayette, Louisiana 70508

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	14-Feb-2022			
	PCW	21-Mar-2022	Screening	22-Feb-2022	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	PERMIAN LODGING ORLA LLC (PCW No. 1)
Reg. Ent. Ref. No.	RN111242798
Facility/Site Region	7-Midland
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	62117	No. of Violations	2
Docket No.	2022-0335-MLM-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media	Public Water Supply	Enf. Coordinator	Samantha Salas
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$50,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	-8.0% Adjustment	Subtotals 2, 3, & 7	-\$4,000
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Notes: Enhancement for one NOV with dissimilar violations. Reduction for High Performer classification.

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	-\$8,750
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$401
 Estimated Cost of Compliance: \$10,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$37,250
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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	\$37,250
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$37,250
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DEFERRAL	20.0%	Reduction	Adjustment	-\$7,450
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$29,800
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Screening Date 22-Feb-2022

Docket No. 2022-0335-MLM-E

PCW

Respondent PERMIAN LODGING ORLA LLC (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 62117

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN111242798

Media Water Quality

Enf. Coordinator Samantha Salas

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

Adjustment Percentage (Subtotal 2) 2%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with dissimilar violations. Reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -8%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -8%

Screening Date 22-Feb-2022

Docket No. 2022-0335-MLM-E

PCW

Respondent PERMIAN LODGING ORLA LLC (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 62117

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN111242798

Media Water Quality

Enf. Coordinator Samantha Salas

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 305.1(b)(2) and Tex. Water Code § 26.121(a)(1)

Violation Description

Failed to obtain authorization to discharge wastewater into or adjacent to any water in the state. Specifically, on April 26, 2021, it was documented that the Respondent was discharging domestic wastewater into Four Mile Draw without authorization through a Texas Pollutant Discharge Elimination System ("TPDES") permit.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$22,500

\$2,500

Violation Events

Number of Violation Events 10

283 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$25,000

Ten monthly events are recommended, calculated from the investigation date, April 26, 2021, to the date the domestic wastewater permit was granted, February 3, 2022.

Good Faith Efforts to Comply

25.0%

Reduction \$6,250

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

Notes

The Respondent achieved compliance on February 3, 2022.

Violation Subtotal \$18,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$194

Violation Final Penalty Total \$16,750

This violation Final Assessed Penalty (adjusted for limits) \$16,750

Economic Benefit Worksheet

Respondent PERMIAN LODGING ORLA LLC (PCW No. 1)
Case ID No. 62117
Reg. Ent. Reference No. RN111242798
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	\$5,000	26-Apr-2021	3-Feb-2022	0.78	\$194	n/a	\$194
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed cost includes the estimated cost to prepare and submit an application and obtain authorization to discharge domestic wastewater into or adjacent to any water in the state through a TPDES permit, calculated from the date of the investigation to 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 \$5,000

TOTAL \$194

Screening Date 22-Feb-2022 **Docket No.** 2022-0335-MLM-E **PCW**
Respondent PERMIAN LODGING ORLA LLC (PCW No. 1) *Policy Revision 5 (January 28, 2021)*
Case ID No. 62117 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN111242798
Media Water Quality
Enf. Coordinator Samantha Salas

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 305.42(a) and Tex. Water Code § 26.121(a)(1)
Violation Description Failed to obtain authorization to discharge wastewater into or adjacent to any water in the state. Specifically, on April 26, 2021, it was documented that the Respondent was discharging reverse osmosis wastewater into Four Mile Draw without authorization through a TPDES permit.

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			10.0%
	100% of the rule requirements were not met.				

Adjustment \$22,500

\$2,500

Violation Events

Number of Violation Events 10 302 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$25,000

Ten monthly events are recommended, calculated from the investigation date, April 26, 2021, to the date the reverse osmosis wastewater permit was granted, February 22, 2022.

Good Faith Efforts to Comply 10.0% Reduction \$2,500

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

Notes: The Respondent achieved compliance on February 22, 2022.

Violation Subtotal \$22,500

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$207 **Violation Final Penalty Total** \$20,500

This violation Final Assessed Penalty (adjusted for limits) \$20,500

Economic Benefit Worksheet

Respondent PERMIAN LODGING ORLA LLC (PCW No. 1)
Case ID No. 62117
Reg. Ent. Reference No. RN111242798
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	\$5,000	26-Apr-2021	22-Feb-2022	0.83	\$207	n/a	\$207
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed cost includes the estimated cost to prepare and submit an application and obtain authorization to discharge reverse osmosis wastewater into or adjacent to any water in the state through a TPDES permit, calculated from the date of the investigation to 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 \$5,000

TOTAL \$207



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	14-Feb-2022			
	PCW	21-Mar-2022	Screening	22-Feb-2022	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	PERMIAN LODGING ORLA LLC (PCW No. 2)
Reg. Ent. Ref. No.	RN111242798
Facility/Site Region	7-Midland
Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	62117	No. of Violations	3	
Docket No.	2022-0335-MLM-E	Order Type	1660	
Media Program(s)	Public Water Supply	Government/Non-Profit	No	
Multi-Media	Water Quality	Enf. Coordinator	Samantha Salas	
		EC's Team	Enforcement Team 4	
Admin. Penalty \$	Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$4,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	-8.0%	Adjustment	Subtotals 2, 3, & 7	-\$320
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Notes: Enhancement for one NOV with dissimilar violations. Reduction for High Performer classification.

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	-\$750
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$1,034
 Estimated Cost of Compliance: \$7,500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,930
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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	\$2,930
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,930
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DEFERRAL	20.0%	Reduction	Adjustment	-\$586
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$2,344
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Screening Date 22-Feb-2022

Docket No. 2022-0335-MLM-E

PCW

Respondent PERMIAN LODGING ORLA LLC (PCW No. 2)

Policy Revision 5 (January 28, 2021)

Case ID No. 62117

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN111242798

Media Public Water Supply

Enf. Coordinator Samantha Salas

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

Adjustment Percentage (Subtotal 2) 2%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with dissimilar violations. Reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -8%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -8%

Screening Date 22-Feb-2022 **Docket No.** 2022-0335-MLM-E **PCW**
Respondent PERMIAN LODGING ORLA LLC (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 62117 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN111242798
Media Public Water Supply
Enf. Coordinator Samantha Salas

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code § 290.39(e)(1) and (h)(1) and Tex. Health & Safety Code § 341.035(a)
Violation Description Failed to submit plans and specifications to the Executive Director for review and approval prior to the construction of a new public water supply. Specifically, the Respondent was operating a business which meets the definition of a transient noncommunity public water supply without first obtaining approval.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 10.0%
Matrix Notes	100% of the rule requirements were not met.				

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 1 302 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$500

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

Estimated EB Amount \$766 **Violation Final Penalty Total** \$460

This violation Final Assessed Penalty (adjusted for limits) \$460

Economic Benefit Worksheet

Respondent PERMIAN LODGING ORLA LLC (PCW No. 2)
Case ID No. 62117
Reg. Ent. Reference No. RN111242798
Media Public Water Supply
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)	\$5,000	26-Apr-2021	19-May-2024	3.07	\$766	n/a	\$766

Notes for DELAYED costs

The delayed cost includes the estimated amount to develop and submit plans and specifications for review and approval, calculated from the date of the investigation to 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

\$5,000

TOTAL

\$766

Screening Date 22-Feb-2022 **Docket No.** 2022-0335-MLM-E **PCW**
Respondent PERMIAN LODGING ORLA LLC (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 62117 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN111242798
Media Public Water Supply
Enf. Coordinator Samantha Salas

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(A)
Violation Description Failed to submit well completion data for review and approval prior to placing the Facility's public drinking water well into service.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 10.0%
Matrix Notes	100% of the rule requirements were not met.				

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 1 302 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$500

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

Estimated EB Amount \$248 **Violation Final Penalty Total** \$460

This violation Final Assessed Penalty (adjusted for limits) \$460

Economic Benefit Worksheet

Respondent PERMIAN LODGING ORLA LLC (PCW No. 2)
Case ID No. 62117
Reg. Ent. Reference No. RN111242798
Media Violation No. Public Water Supply
 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)	\$1,500	26-Apr-2021	17-Aug-2024	3.31	\$248	n/a	\$248

Notes for DELAYED costs

The delayed cost includes the estimated amount to compile well completion data and submit it for approval for the Facility's well, calculated from the investigation date to 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 \$1,500

TOTAL \$248

Screening Date 22-Feb-2022 **Docket No.** 2022-0335-MLM-E **PCW**
Respondent PERMIAN LODGING ORLA LLC (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 62117 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN111242798
Media Public Water Supply
Enf. Coordinator Samantha Salas

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 290.42(b)(1) and (e)(3)
Violation Description Failed to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Without disinfection facilities to ensure microbiological control and proper disinfection of the water, persons served by the Facility could be exposed to contaminants that would exceed levels that are protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 4 106 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$3,000

Four monthly events are recommended, calculated from the date of the investigation, April 26, 2021, to the date of compliance, August 10, 2021.

Good Faith Efforts to Comply 25.0% Reduction \$750

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

Notes The Respondent achieved compliance by August 10, 2021.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$20 **Violation Final Penalty Total** \$2,010

This violation Final Assessed Penalty (adjusted for limits) \$2,010

Economic Benefit Worksheet

Respondent PERMIAN LODGING ORLA LLC (PCW No. 2)
Case ID No. 62117
Reg. Ent. Reference No. RN111242798
Media Violation No. Public Water Supply
 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	26-Apr-2021	10-Aug-2021	0.29	\$1	\$19	\$20
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 includes the estimated amount to provide disinfection facilities for microbiological control and distribution protection, calculated from the date of the investigation to the date of the 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

\$1,000

TOTAL

\$20



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	13-Mar-2023			
	PCW	14-Mar-2023	Screening	14-Mar-2023	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	PERMIAN LODGING ORLA LLC (PCW No. 3)
Reg. Ent. Ref. No.	RN111242798
Facility/Site Region	7-Midland
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	62117	No. of Violations	1
Docket No.	2022-0335-MLM-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media	Public Water Supply	Enf. Coordinator	Samantha Salas
		EC's Team	Enforcement Team 4
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$22,500
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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	-8.0% Adjustment	Subtotals 2, 3, & 7	-\$1,800
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Notes: Enhancement for one NOV with dissimilar violations. Reduction for High Performer classification.

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	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$24
 Estimated Cost of Compliance: \$325
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$20,700
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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	\$20,700
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$20,700
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DEFERRAL	20.0%	Reduction	Adjustment	-\$4,140
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$16,560
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Screening Date 14-Mar-2023

Docket No. 2022-0335-MLM-E

PCW

Respondent PERMIAN LODGING ORLA LLC (PCW No. 3)

Policy Revision 5 (January 28, 2021)

Case ID No. 62117

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN111242798

Media Water Quality

Enf. Coordinator Samantha Salas

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

Adjustment Percentage (Subtotal 2) 2%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with dissimilar violations. Reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -8%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -8%

Screening Date 14-Mar-2023

Docket No. 2022-0335-MLM-E

PCW

Respondent PERMIAN LODGING ORLA LLC (PCW No. 3)

Policy Revision 5 (January 28, 2021)

Case ID No. 62117

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN111242798

Media Water Quality

Enf. Coordinator Samantha Salas

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d) and Texas Pollutant Discharge Elimination System Permit No. WQ0015976001, Monitoring and Reporting Requirement No. 1, Outfall Nos. 001A and 001Q

Violation Description Failed to submit monitoring results at intervals specified in the permit. Specifically, the discharge monitoring reports ("DMRs") from March 2022 through September 2022 for Outfall No. 001A and for the months of May and August 2022 for Outfall No. 001Q were not submitted 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			10.0%

Matrix Notes 100% of the rule requirements were not met.

Adjustment \$22,500

\$2,500

Violation Events

Number of Violation Events 9 184 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$22,500

Nine single events are recommended (one event per missing DMR).

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$22,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$24

Violation Final Penalty Total \$20,700

This violation Final Assessed Penalty (adjusted for limits) \$20,700

Economic Benefit Worksheet

Respondent PERMIAN LODGING ORLA LLC (PCW No. 3)
Case ID No. 62117
Reg. Ent. Reference No. RN111242798
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	\$100	28-Dec-2022	24-Dec-2023	0.99	\$5	n/a	\$5
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$225	20-Apr-2022	24-Dec-2023	1.68	\$19	n/a	\$19

Notes for DELAYED costs

The first delayed cost includes the estimated amount to develop and implement procedures and conduct employee training to ensure DMRs are submitted in accordance with permit requirements, calculated from the investigation date to the estimated date of compliance.

The second delayed cost includes the estimated amount to submit the DMRs for the months of March 2022 through September 2022 for Outfall No. 001A and for the months of March and September 2022 for Outfall No. 001Q (\$25 per DMR), calculated from the date the first DMR was due to 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 \$325

TOTAL \$24



Compliance History Report

Compliance History Report for CN605878941, RN111242798, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator:	CN605878941, PERMIAN LODGING ORLA LLC	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN111242798, PERMIAN LODGING ORLA	Classification: HIGH	Rating: 0.00
Complexity Points:	6	Repeat Violator:	NO
CH Group:	14 - Other		
Location:	7 COUNTY ROAD 433 EAST NEAR ORLA, REEVES COUNTY, TEXAS		
TCEQ Region:	REGION 07 - MIDLAND		
ID Number(s):			
WASTEWATER EPA ID TX0141241	WASTEWATER EPA ID TX0141160		
WASTEWATER PERMIT WQ0005319000	WASTEWATER PERMIT WQ0015976001		
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1950037			

Compliance History Period:	September 01, 2017 to August 31, 2022	Rating Year:	2022	Rating Date:	09/01/2022
Date Compliance History Report Prepared:	August 29, 2023				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	August 29, 2018 to August 29, 2023				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Samantha Salas			Phone:	(512) 239-1543

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? NO
- 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.):

N/A

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:	08/11/2023	(1874025)		
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(n)(1)			
	Description:	Failure to maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage			

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(n)(2)		
Description:	Failure to maintain an accurate and up-to-date map of the distribution system in violation of 30 TAC 290.46(n)(2).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(n)(3)		
Description:	Failure to maintain copies of well completion data in violation of 30 TAC 290.46(n)(3).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(q)		
Description:	Failure to maintain any special precautions, protective measures, and boil water notices on file in violation of 30 TAC 290.46(q).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)		
Description:	Failure to maintain calibration records for testing equipment in violation of 30 TAC 290.46(s).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.121(a)		
Description:	Failure to maintain an up-to-date chemical and microbiological monitoring plan in violation of 30 TAC 290.121(a).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(2) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iii) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(v) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(vi) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(ii) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iv) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(ix) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(i) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(vii) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(i) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(ii) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(F)		
Description:	Failure to maintain copies of operating records and reports.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.44(d)		
Description:	Failure to maintain a minimum pressure of 35 psi at all points within the distribution network.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.45(c)(1)(B)(i)		
Description:	Failure to provide adequate well capacity of 0.6 gallons per minute (gpm) per connection in violation of 30 TAC 290.45(c)(1)(B)(i).		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.45(c)(1)(B)(iii)		
Description:	Failure to provide an adequate service pump capacity of 1.0 gpm per connection in violation of 30 TAC 290.45(c)(1)(B)(iii).		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.45(c)(1)(B)(iv)		
Description:	Failure to provide adequate pressure tank storage capacity of 10 gallons per connection in violation of 30 TAC 290.45(c)(1)(B)(iv).		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.45(c)(1)(B)(ii)		
Description:	Failure to provide adequate ground storage capacity of 35 gallons per connection in violation of 30 TAC 290.45(c)(1)(B)(ii).		

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

Compliance History Report for CN605878941, RN111242798, Rating Year 2022 which includes Compliance History (CH) components from August 29, 2018, through August 29, 2023.

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
PERMIAN LODGING ORLA LLC
RN111242798

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-0335-MLM-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 PERMIAN LODGING ORLA LLC (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a public water supply located at 7 County Road 433 East near Orla, Reeves County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5). The Facility provides water for human consumption, has approximately 591 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(71).
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, TEX. HEALTH & SAFETY CODE ch. 341, 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 \$60,880 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$48,704 of the penalty and \$12,176 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. On August 10, 2021, the Respondent provided disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection;
 - b. On February 3, 2022, the Respondent obtained authorization to discharge domestic wastewater into or adjacent to any water in the state by obtaining Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0015976001; and
 - c. On February 22, 2022, the Respondent obtained authorization to discharge reverse osmosis wastewater into or adjacent to any water in the state by obtaining TPDES Permit No. WQ0005319000.

II. ALLEGATIONS

1. During an investigation conducted at the Facility on April 26, 2021 through August 10, 2021, an investigator documented that the Respondent:
 - a. Failed to obtain authorization to discharge wastewater into or adjacent to any water in the state. Specifically, on April 26, 2021, it was documented that the Respondent was discharging domestic wastewater into Four Mile Draw without authorization through a TPDES permit, in violation of 30 TEX. ADMIN. CODE § 305.1(b)(2) and TEX. WATER CODE § 26.121(a)(1).
 - b. Failed to obtain authorization to discharge wastewater into or adjacent to any water in the state. Specifically, on April 26, 2021, it was documented that the Respondent was discharging reverse osmosis wastewater into Four Mile Draw without authorization through a TPDES permit, in violation of 30 TEX. ADMIN. CODE § 305.42(a) and TEX. WATER CODE § 26.121(a)(1).
 - c. Failed to submit plans and specifications to the Executive Director for review and approval prior to the construction of a new public water supply. Specifically, the Respondent was operating a business which meets the definition of a transient

noncommunity public water supply without first obtaining approval, in violation of 30 TEX. ADMIN. CODE § 290.39(e)(1) and (h)(1) and TEX. HEALTH & SAFETY CODE § 341.035(a).

- d. Failed to submit well completion data for review and approval prior to placing the Facility's public drinking water well into service, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(A).
 - e. Failed to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection, in violation of 30 TEX. ADMIN. CODE § 290.42(b)(1) and (e)(3).
2. During a record review conducted for the Facility on December 28, 2022, an investigator documented that the Respondent failed to submit monitoring results at 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. WQ0015976001, Monitoring and Reporting Requirement No. 1, Outfall Nos. 001A and 001Q. Specifically, the discharge monitoring reports ("DMRs") from March 2022 through September 2022 for Outfall No. 001A and for the months of May and August 2022 for Outfall No. 001Q were not submitted by the 20th day of the following month.

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: PERMIAN LODGING ORLA LLC, Docket No. 2022-0335-MLM-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:
 - i. Submit DMRs for the monthly monitoring periods of March 2022 through September 2022 for Outfall No. 001A and for May and August 2022 for Outfall No. 001Q, in accordance with 30 TEX. ADMIN. CODE §§ 305.125 and 319.7; and

- ii. Develop and implement procedures and conduct employee training to ensure DMRs are submitted, in accordance with permit requirements for TPDES Permit No. WQ0015976001.
- b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i and 2.a.ii.
- c. Within 180 days after the effective date of this Order:
 - i. Submit plans and specifications of the public water supply for review and approval, in accordance with 30 TEX. ADMIN. CODE § 290.39. The plans and specifications shall be submitted to:

Plan Review Team
Water Supply Division, MC 159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the well completion data within 15 days after the date of such requests, or by any other deadline specified by the TCEQ in writing.

- ii. Submit well completion data for review and approval for the Facility's well, in accordance with 30 TEX. ADMIN. CODE § 290.41. The well completion data shall be submitted to:

Plan Review Team
Water Supply Division, MC 159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the well completion data within 15 days after the date of such requests, or by any other deadline specified by the TCEQ in writing.

- d. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.c.i and 2.c.ii.
- e. Within 270 days after the effective date of this Order:
 - i. Obtain approval of the plans and specifications for the public water supply system, in accordance with 30 TEX. ADMIN. CODE § 290.39; and

- ii. Obtain approval of the well completion data for the Facility's well, in accordance with 30 TEX. ADMIN. CODE § 290.41.
- f. Within 285 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.e.i and 2.e.ii. 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:

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

with a copy to:

Water Section Manager
Midland Regional Office
Texas Commission on Environmental Quality
9900 West IH-20, Suite 100
Midland, Texas 79706

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. 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.

7. 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.
8. 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



1/25/2024

For the Executive Director

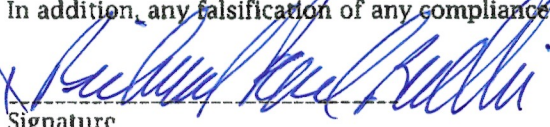
Date

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 OAG 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 OAG 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

Date

12/12/2023

Richard Paul Beaulieu

Name (Printed or typed)
Authorized Representative of
PERMIAN LODGING ORLA LLC

Title

manager

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

Richard Paul Beaulieu
1 Flagg Place, Ste 1
Lafayette, LA 70508

(Not associated with 7266 Barksdale Lane Odessa Tx anymore)

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.