

**Misty Hollow Glamping, LLC**

RN111471207

Docket No. 2022-0755-MLM-E

**Order Type:**

Default Order (SOAH evidentiary hearing)

**Media:**

MLM: EAQ and WQ

**Small Business:**

N/A

**Locations Where Violations Occurred:**

2224 and 2248 Misty Hollow, New Braunfels, Comal County (the “Site”)

**Type of Operation:**

a construction site for camping business

**Other Significant Matters:**

Additional Pending Enforcement Actions: None

Past-Due Penalties: None

Past-Due Fees: None

Other: None

Interested Third Parties: None

**Texas Register Publication Date:** August 22, 2025**Comments Received:** None**Penalty Information****Total Penalty Assessed:** \$17,500**Total Paid to General Revenue:** \$0**Total Due to General Revenue:** \$17,500**Compliance History Classifications:**

Person/CN - N/A

Site/RN - N/A

**Major Source:** No**Statutory Limit Adjustment:** None**Applicable Penalty Policy:** January 28, 2021**Investigation Information****Complaint Date:** March 4, 2022**Complaint Information:** Complaint concerning ongoing construction at 2224/2248 Misty Hollow. The site does not have an NOI or posted permits, and the complainant is concerned they are operating without permits.**Dates of Investigation:** March 23, 2022, through April 25, 2022**Date of NOV:** N/A**Date of NOE:** May 12, 2022

**Misty Hollow Glamping, LLC**

RN111471207

Docket No. 2022-0755-MLM-E

**Violation Information**

1. Failed to obtain approval of an Edwards Aquifer Protection Plan prior to commencing a regulated activity over the Edwards Aquifer Recharge Zone [30 TEX. ADMIN. CODE § 213.4(a)(1)].
2. Failed to obtain authorization to discharge stormwater associated with construction activities [TEX. WATER CODE § 26.121, 40 C.F.R § 122.26(c), and 30 TEX. ADMIN. CODE § 281.25(a)(4)].

**Corrective Actions/Technical Requirements****Corrective Action Completed:**

Respondent obtained Edwards Aquifer Permit No. 13001605 for the Site on January 6, 2023.

**Technical Requirements:**

1. Within 30 days:
  - a. Develop and implement a stormwater pollution prevention plan to comply with the requirements of Texas Pollutant Discharge Elimination System General Permit No. TXR150000;
  - b. Post a site notice; and
  - c. Submit a copy of the site notice to the receiving municipal separate storm sewer system.
2. Within 45 days submit written certification to demonstrate compliance for Technical Requirement No. 1.

**Litigation Information**

**Date Petitions Filed:** March 19, 2025

**Date of Service:** March 21, 2025

**Date Answer Filed:** April 29, 2024

**SOAH Referral Date:** June 3, 2024

**Preliminary hearing:** August 8, 2024

**Evidentiary hearing:** July 17, 2025

**Contact Information**

**TCEQ Attorneys:** Jennifer Peltier, Litigation Division, (512) 239-3400  
Pranjal Mehta, Public Interest Counsel, (512) 239-6363  
Sheldon Wayne, Public Interest Counsel, (512) 239-3144

**TCEQ Litigation Agenda Coordinator:** Katherine McKenzie, Litigation Division, (512) 239-2575

**TCEQ Enforcement Coordinator:** Megan Crinklaw, Enforcement Division, (817) 588-5865

**TCEQ Regional Contact:** Joy Thurston-Cook, San Antonio Regional Office, (210) 490-3096

**Respondent Contact:** April S. Little, Misty Hollow Glamping, LLC, 352 Landa Street, Suite F, New Braunfels, Texas 78130-5401

**Respondent's Attorney:** William Little, Little Law Group, 301 Main Plaza, Box 372, New Braunfels, Texas 78130



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	16-May-2022	<b>PCW</b>	18-Mar-2025	<b>Screening</b>	26-May-2022	<b>EPA Due</b>	
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## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Misty Hollow Glamping, LLC		
<b>Reg. Ent. Ref. No.</b>	RN111471207		
<b>Facility/Site Region</b>	13-San Antonio	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	62499	<b>No. of Violations</b>	2
<b>Docket No.</b>	2022-0755-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Edwards Aquifer	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>	Water Quality	<b>Enf. Coordinator</b>	Megan Crinklaw
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ 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>	\$17,500
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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%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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Notes

The Respondent has submitted one notice of intended audit; however, because a reduction would be below zero, the adjustment defaults to zero.

<b>Culpability</b>	No	0.0%	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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Notes

The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$669  
Estimated Cost of Compliance \$8,000

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$17,500
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

<b>Final Penalty Amount</b>	\$17,500
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$17,500
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<b>DEFERRAL</b>	0.0%	<b>Reduction</b>	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$17,500
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<b>Screening Date</b>	26-May-2022	<b>Docket No.</b>	2022-0755-MLM-E	<b>PCW</b>
<b>Respondent</b>	Misty Hollow Glamping, LLC			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	62499			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN111471207			
<b>Media</b>	Edwards Aquifer			
<b>Enf. Coordinator</b>	Megan Crinklaw			

## 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> )	1	-1%
	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)

N/A

**Adjustment Percentage (Subtotal 3)** 0%

### >> Compliance History Person Classification (Subtotal 7)

N/A

**Adjustment Percentage (Subtotal 7)** 0%

### >> Compliance History Summary

#### Compliance History Notes

The Respondent has submitted one notice of intended audit; however, because a reduction would be below zero, the adjustment defaults to zero.

**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> 26-May-2022 <b>Respondent</b> Misty Hollow Glamping, LLC <b>Case ID No.</b> 62499 <b>Reg. Ent. Reference No.</b> RN111471207 <b>Media</b> Edwards Aquifer <b>Enf. Coordinator</b> Megan Crinklaw <b>Violation Number</b> 1	<b>Docket No.</b> 2022-0755-MLM-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 213.4(a)(1)
<b>Violation Description</b>	Failed to obtain approval of an Edwards Aquifer Protection Plan prior to commencing a regulated activity over the Edwards Aquifer Recharge Zone. Specifically, the Respondent commenced construction activities without obtaining approval of an Edwards Aquifer Water Pollution Abatement Plan ("WPAP") or Exception Request.

  

<b>Base Penalty</b>	\$25,000
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**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>		
	Actual					
	Potential					
	<b>Percent</b> 0.0%					

  

**>> Programmatic Matrix**

	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>		
		x			<b>Percent</b> 10.0%	

  

<b>Matrix Notes</b>	100% of the rule requirement was not met.
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<b>Adjustment</b>	\$22,500
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	\$2,500
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**Violation Events**

Number of Violation Events	5	31	Number of violation days
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	daily					
	weekly	x				
	monthly					
	quarterly					
	semiannual					
	annual					
	single event					

  

<b>Violation Base Penalty</b>	\$12,500
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Five weekly events are recommended from the April 25, 2022 investigation end date to the May 26, 2022 screening date.	
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**Good Faith Efforts to Comply**

<b>0.0%</b>		<b>Reduction</b>	
	Before NOE/NOV    NOE/NOV to EDPRP/Settlement Offer		
Extraordinary			
Ordinary			
N/A	x		
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		

  

<b>Violation Subtotal</b>	\$12,500
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	<b>Statutory Limit Test</b>
\$218	<b>Violation Final Penalty Total</b>
	\$12,500
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$12,500	

# Economic Benefit Worksheet

**Respondent** Misty Hollow Glamping, LLC  
**Case ID No.** 62499  
**Reg. Ent. Reference No.** RN111471207  
**Media** Edwards Aquifer  
**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	\$5,500	23-Mar-2022	6-Jan-2023	0.79	\$218	n/a	\$218
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated Permit cost to prepare, submit, and obtain approval of of an Edwards Aquifer WPAP or Exception Request. The Date Required is the investigation start date, and the Final Date is the date of compliance.						

## Avoided Costs

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

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

Approx. Cost of Compliance \$5,500

**TOTAL** \$218

<b>Screening Date</b> 26-May-2022 <b>Respondent</b> Misty Hollow Glamping, LLC <b>Case ID No.</b> 62499 <b>Reg. Ent. Reference No.</b> RN111471207 <b>Media</b> Edwards Aquifer <b>Enf. Coordinator</b> Megan Crinklaw	<b>Docket No.</b> 2022-0755-MLM-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	2	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 281.25(a)(4), Tex. Water Code § 26.121, and 40 Code of Federal Regulations § 122.26(c)	
<b>Violation Description</b>	Failed to obtain authorization to discharge stormwater associated with construction activities. Specifically, the Respondent was performing construction activities prior to obtaining authorization under Texas Pollutant Discharge Elimination System General Permit No. TXR150000.	

  

<b>Base Penalty</b>	\$25,000
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**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 0.0%
	Potential				

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
		x			<b>Percent</b> 10.0%

  

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

Number of Violation Events	2	31	Number of violation days
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	daily			
	weekly			
	monthly	x		<b>Violation Base Penalty</b> \$5,000
	quarterly			
	semiannual			
	annual			
	single event			

  

Two monthly events are recommended from the April 25, 2022 investigation end date to the May 26, 2022 screening date.
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**Good Faith Efforts to Comply**

<b>0.0%</b>	<b>Reduction</b> \$0
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	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary			
N/A	x		

  

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

<b>Estimated EB Amount</b>	<b>Statutory Limit Test</b>
\$451	<b>Violation Final Penalty Total</b> \$5,000
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$5,000	

# Economic Benefit Worksheet

**Respondent** Misty Hollow Glamping, LLC  
**Case ID No.** 62499  
**Reg. Ent. Reference No.** RN111471207  
**Media** Edwards Aquifer  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
<b>Delayed Costs</b>							
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)	\$2,500	23-Mar-2022	29-Oct-2025	3.61	\$451	n/a	\$451
Notes for DELAYED costs	Estimated Other cost to develop and implement a stormwater pollution prevention plan, post a site notice, and submit a copy of the site notice to the receiving municipal separate storm sewer system to obtain authorization to discharge stormwater. The Date Required is the investigation start date and the Final Date is the estimated date of compliance.						
<b>Avoided Costs</b>							
<b>ANNUALIZE avoided costs before entering item (except for one-time avoided costs)</b>							
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	\$2,500			<b>TOTAL</b>		\$451	



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# Compliance History Report

Compliance History Report for CN606003432, RN111471207, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

<b>Customer, Respondent, or Owner/Operator:</b>	CN606003432, Misty Hollow Glamping, LLC	<b>Classification:</b>	NOT APPLICABLE	<b>Rating:</b>	N/A
<b>Regulated Entity:</b>	RN111471207, MISTY HOLLOW GLAMPING	<b>Classification:</b>	NOT APPLICABLE	<b>Rating:</b>	N/A
<b>Complexity Points:</b>	N/A	<b>Repeat Violator:</b>	N/A		
<b>CH Group:</b>	14 - Other				
<b>Location:</b>	2224 and 2248 Misty Hollow, New Braunfels, Comal County, Texas				
<b>TCEQ Region:</b>	REGION 13 - SAN ANTONIO				

## ID Number(s):

**WATER QUALITY NON PERMITTED ID NUMBER**  
R13111471249

**WATER QUALITY NON PERMITTED ID NUMBER**  
R13111471207

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

**Date Compliance History Report Prepared:** June 07, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** May 26, 2017 to May 26, 2022

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

**Name:** Steven Van Landingham

**Phone:** (512) 239-5717

## 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.

N/A

### F. Environmental audits:

Notice of Intent Date: 04/05/2022 (1812360)

No DOV Associated

### G. Type of environmental management systems (EMSs):

N/A

### H. Voluntary on-site compliance assessment dates:

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

**Component Appendices**

**Appendix A**

**All NOVs Issued During Component Period 5/26/2017 and 5/26/2022**

N/A

**Appendix B**

**All Investigations Conducted During Component Period May 26, 2017 and May 26, 2022**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
MISTY HOLLOW GLAMPING, LLC;  
RN111471207

§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## DEFAULT ORDER

DOCKET NO. 2022-0755-MLM-E

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Second Amended Report and Petition, filed pursuant to TEX. WATER CODE chs. 7 and 26, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Misty Hollow Glamping, LLC ("Respondent").

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

### FINDINGS OF FACT

1. At the time of the investigation, Respondent owned a construction site for camping business located at 2224 and 2248 Misty Hollow in New Braunfels, Comal County, Texas (the "Site"). Currently, Respondent only owns the 2248 Misty Hollow property. The Site is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. During an investigation conducted on March 23, 2022 through April 25, 2022, an investigator documented that Respondent:
  - a. Failed to obtain approval of an Edwards Aquifer Protection Plan prior to commencing a regulated activity over the Edwards Aquifer Recharge Zone. Specifically, Respondent commenced construction activities without obtaining approval of an Edwards Aquifer Water Pollution Abatement Plan ("WPAP") or Exception Request; and
  - b. Failed to obtain authorization to discharge stormwater associated with construction activities. Specifically, Respondent was performing construction activities prior to obtaining authorization under Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR150000.
3. The Executive Director recognizes that Respondent obtained Edwards Aquifer Permit No. 13001605 for the Site on January 6, 2023.
4. The Executive Director filed the "Executive Director's Second Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Misty Hollow Glamping, LLC" (the "EDSARP") in the TCEQ Chief Clerk's office on March 19, 2025.
5. Respondent filed an answer requesting a hearing on April 29, 2024, and the matter was referred to the State Office of Administrative Hearings ("SOAH") on June 3, 2024.
6. On April 21, 2025, the Administrative Law Judge ("ALJ") issued Order No. 7, which set the evidentiary hearing for July 17, 2025. The SOAH docket clerk electronically sent a copy of Order No. 7 to Respondent at its attorney's email address.

7. On July 17, 2025, the ALJ convened the evidentiary hearing. Respondent failed to appear, and the Executive Director requested that the ALJ enter a finding that Respondent was served with proper notice of the hearing and the matter be dismissed from the SOAH Docket and remanded to the Executive Director so that a Default Order may be entered by the Commission.
8. On July 17, 2025, the ALJ entered a finding that Respondent was served with proper notice of the hearing and remanded the matter to the Executive Director by SOAH Order No. 8 so that TCEQ may dispose of this case on a default basis.

#### **CONCLUSIONS OF LAW**

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to obtain approval of an Edwards Aquifer Protection Plan prior to commencing a regulated activity over the Edwards Aquifer Recharge Zone, in violation of 30 TEX. ADMIN. CODE § 213.4(a)(1).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to obtain authorization to discharge stormwater associated with construction activities, in violation of TEX. WATER CODE § 26.121, 40 C.F.R § 122.26(c), and 30 TEX. ADMIN. CODE § 281.25(a)(4).
4. As evidenced by Finding of Fact No. 5, Respondent filed an answer requesting a hearing as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105, and the matter was referred to SOAH pursuant to 1 TEX. ADMIN. CODE §§ 155.53(b) and 155.101(d) and 30 TEX ADMIN. CODE § 70.109.
5. As evidenced by Finding of Fact No. 6, Respondent was provided proper notice of the evidentiary hearing in accordance with TEX. GOV'T CODE §§ 2001.051(1) and 2001.052, TEX. WATER CODE § 7.058, 1 TEX. ADMIN. CODE §§ 155.105(b), 155.401, and 155.501, and 30 TEX. ADMIN. CODE §§ 1.11, 1.12, 39.405, 39.413, 39.423, and 80.6.
6. As evidenced by Findings of Fact Nos. 7 and 8, Respondent failed to appear for the evidentiary hearing, and pursuant to TEX. GOV'T CODE § 2001.056(4) and 1 TEX. ADMIN. CODE § 155.501(e), the ALJ dismissed the case from the SOAH docket so that the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106(b).
7. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
8. An administrative penalty in the amount of \$17,500 is justified by the facts recited in this Order and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
9. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

#### **ORDERING PROVISIONS**

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

1. Respondent is assessed an administrative penalty in the amount of \$17,500 for violations of state statutes and rules of the TCEQ. The payment of this penalty and 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 which are not raised here.

2. The penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to TCEQ and shall be sent with the notation "Re: Misty Hollow Glamping, LLC; Docket No. 2022-0755-MLM-E" to:

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

3. Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Order:
- i. Develop and implement a stormwater pollution prevention plan to comply with the requirements of TPDES General Permit No. TXR150000;
  - ii. Post a site notice; and
  - iii. Submit a copy of the site notice to the receiving municipal separate storm sewer system.
- b. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision Nos. 3.a. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by 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 fine and imprisonment for knowing violations."

The written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

and:

Water Section Manager  
San Antonio Regional Office  
Texas Commission on Environmental Quality  
14250 Judson Rd  
San Antonio, Texas 78233-4480

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

6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until 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.
7. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
8. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas (OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
9. 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.
10. 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.
11. The Chief Clerk shall provide a copy of this fully executed Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

**S I G N A T U R E   P A G E**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

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For the Commission

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Date

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## UNSWORN DECLARATION OF JENNIFER PELTIER

"On behalf of the Executive Director of the Texas Commission on Environmental Quality, the 'Executive Director's Second Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Misty Hollow Glamping, LLC' (the "EDSARP") was filed in the TCEQ Chief Clerk's office on March 19, 2025.

Respondent filed an answer requesting a hearing on April 29, 2024, and the matter was referred to the State Office of Administrative Hearings ("SOAH") on June 3, 2024. On April 21, 2025, the Administrative Law Judge ("ALJ") issued Order No. 7 which set the evidentiary hearing for July 17, 2025. The SOAH docket clerk electronically sent a copy of Order No. 7 to Respondent at its last known email address.

Respondent failed to appear at the hearing on July 17, 2025. At that hearing, the Executive Director requested that the ALJ enter a finding that Respondent was served with proper notice of the hearing and the matter be remanded to the Executive Director pursuant to 1 TEX. ADMIN. CODE § 155.501(e), which gives an ALJ the authority to remand the case back to the TCEQ for informal disposition on a default basis in accordance with TEX. GOV'T CODE § 2001.056.

The ALJ remanded the matter to the Executive Director by SOAH Order No. 8, issued on July 17, 2025, so that TCEQ may dispose of this case on a default basis."

"My name is Jennifer Peltier, and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct."

Executed in \_\_\_\_\_ Travis \_\_\_\_\_ County,

State of Texas,

on the 1<sup>st</sup> day of August, 2025

A handwritten signature in cursive script, appearing to read "J Peltier", written over a horizontal line.

Declarant