

**Executive Summary – Enforcement Matter – Case No. 62590**  
**Undine Texas Environmental, LLC**  
**RN102287109**  
**Docket No. 2022-0831-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

No

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

Mayfair Addition, located on the southwest corner of the intersection of Farm-to-Market Road 1187 and South Hulen Street, approximately three miles southwest of the intersection of Farm-to-Market Road 1187 and Farm-to-Market Road 731, Crowley, Tarrant County

**Type of Operation:**

Wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** August 23, 2024

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$9,900

**Amount Deferred for Expedited Settlement:** \$1,980

**Total Paid to General Revenue:** \$7,920

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** May 31, 2022

**Date(s) of NOE(s):** June 15, 2022

**Executive Summary – Enforcement Matter – Case No. 62590  
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RN102287109  
Docket No. 2022-0831-MWD-E**

***Violation Information***

Failed to comply with permitted effluent limitations. Specifically, the Respondent exceeded the daily average concentration limit for total suspended solids of 15 milligrams per liter ("mg/L") with a result of 21.03 mg/L during November 2021, 15.11 mg/L during December 2021, 23.75 mg/L during February 2022, and 16mg/L during March 2022 [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013518001, Effluent Limitations and Monitoring Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to, within 130 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0013518001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations to demonstrate compliance.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Monica Larina, Enforcement Division, Enforcement Team 1, MC R-14, (361) 881-6965; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** William Thomas, Senior Vice President, Undine Texas Environmental, LLC, 14826 Cantwell Bend, Cypress, Texas 77429

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	27-Jun-2022	<b>Screening</b>	6-Jul-2022	<b>EPA Due</b>	
	<b>PCW</b>	27-Jul-2022				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Undine Texas Environmental, LLC
<b>Reg. Ent. Ref. No.</b>	RN102287109
<b>Facility/Site Region</b>	4-Dallas/Fort Worth
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	62590	<b>No. of Violations</b>	1
<b>Docket No.</b>	2022-0831-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Monica Larina
		<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>	<b>\$7,500</b>
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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>	<b>32.0%</b> Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$2,400</b>
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Notes: Enhancement for five months of self-reported effluent violations, one NOV with a same/similar violations, and one NOV with dissimilar violation.

<b>Culpability</b>	No	<b>0.0%</b> Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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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>	<b>\$0</b>
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<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$681  
 Estimated Cost of Compliance: \$5,000  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$9,900</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b> Adjustment	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$9,900</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$9,900</b>
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<b>DEFERRAL</b>	<b>20.0%</b> Reduction	<b>Adjustment</b>	<b>-\$1,980</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$7,920</b>
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**Screening Date** 6-Jul-2022

**Docket No.** 2022-0831-MWD-E

**PCW**

**Respondent** Undine Texas Environmental, LLC

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 62590

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN102287109

**Media** Water Quality

**Enf. Coordinator** Monica Larina

### 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> )	6	30%
	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)** 32%

**>> Repeat Violator (Subtotal 3)**

No

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

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

Satisfactory Performer

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

**>> Compliance History Summary**

**Compliance History Notes**

Enhancement for five months of self-reported effluent violations, one NOV with a same/similar violations, and one NOV with dissimilar violation.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 32%

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 32%

**Screening Date** 6-Jul-2022  
**Respondent** Undine Texas Environmental, LLC  
**Case ID No.** 62590  
**Reg. Ent. Reference No.** RN102287109  
**Media** Water Quality  
**Enf. Coordinator** Monica Larina

**Docket No.** 2022-0831-MWD-E

**PCW**

*Policy Revision 5 (January 28, 2021)*

*PCW Revision February 11, 2021*

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0013518001, Effluent Limitations and Monitoring Requirements No. 1

**Violation Description** Failed to comply with permitted effluent limitations. Specifically, the Respondent exceeded the daily average concentration limit for total suspended solids of 15 milligrams per liter ("mg/L") with results of 21.03 mg/L during November 2021, 15.11 mg/L during December 2021, 23.75 mg/L during February 2022, and 16 mg/L during March 2022.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

**Matrix Notes** Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$21,250

\$3,750

**Violation Events**

Number of Violation Events 2 120 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$7,500

Two quarterly events are recommended for the quarters containing the months of November and December 2021, and February and March 2022.

**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** \$7,500

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$681

**Violation Final Penalty Total** \$9,900

**This violation Final Assessed Penalty (adjusted for limits)** \$9,900

## Economic Benefit Worksheet

**Respondent** Undine Texas Environmental, LLC  
**Case ID No.** 62590  
**Reg. Ent. Reference No.** RN102287109  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	30-Nov-2021	20-Aug-2024	2.72	\$681	n/a	\$681

#### Notes for DELAYED costs

Estimated Other cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations. The Date Required is the end date of the first month of noncompliance. The Final Date is the estimated date of compliance.

### Avoided Costs

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

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

#### Notes for AVOIDED costs

Approx. Cost of Compliance \$5,000

**TOTAL** \$681



# Compliance History Report

Compliance History Report for CN604519330, RN102287109, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

**Customer, Respondent, or Owner/Operator:** CN604519330, Undine Texas Environmental, LLC **Classification:** SATISFACTORY **Rating:** 4.08

**Regulated Entity:** RN102287109, MAYFAIR ADDITION **Classification:** SATISFACTORY **Rating:** 3.20

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

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

**Location:** Located on the southwest corner of the intersection of Farm-to-Market Road 1187 and South Hulen Street, approximately three miles southwest of the intersection of Farm-to-Market Road 1187 and Farm-to-Market Road 731, Tarrant County, Texas

**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):**

**WASTEWATER EPA ID TX0105872**

**WASTEWATER PERMIT WQ0013518001**

**Compliance History Period:** September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

**Date Compliance History Report Prepared:** February 14, 2024

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** February 14, 2019 to February 14, 2024

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

**Name:** Monica Larina

**Phone:** (512) 239-0184

**Site and Owner/Operator History:**

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

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

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

N/A

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	February 20, 2019	(1564256)	Item 15	April 21, 2020	(1655025)
Item 2	March 20, 2019	(1564257)	Item 16	May 21, 2020	(1661584)
Item 3	April 21, 2019	(1573352)	Item 17	June 22, 2020	(1668118)
Item 4	May 20, 2019	(1586301)	Item 18	July 21, 2020	(1675065)
Item 5	June 20, 2019	(1586302)	Item 19	August 24, 2020	(1681833)
Item 6	July 21, 2019	(1594694)	Item 20	October 05, 2020	(1688410)
Item 7	August 20, 2019	(1600994)	Item 21	October 21, 2020	(1694771)
Item 8	September 20, 2019	(1607911)	Item 22	November 20, 2020	(1716899)
Item 9	October 21, 2019	(1614776)	Item 23	December 20, 2020	(1716900)
Item 10	November 20, 2019	(1620565)	Item 24	January 22, 2021	(1716901)
Item 11	December 23, 2019	(1627915)	Item 25	March 01, 2021	(1729979)
Item 12	January 23, 2020	(1635541)	Item 26	May 04, 2021	(1729981)
Item 13	February 21, 2020	(1642158)	Item 27	May 20, 2021	(1742278)
Item 14	March 20, 2020	(1648670)	Item 28	July 13, 2021	(1748346)

Item 29	August 03, 2021	(1753171)	Item 37	December 20, 2022	(1876811)
Item 30	August 30, 2021	(1767869)	Item 38	January 16, 2023	(1883622)
Item 31	September 17, 2021	(1767870)	Item 39	February 16, 2023	(1891435)
Item 32	October 20, 2021	(1778431)	Item 40	April 19, 2023	(1906809)
Item 33	November 17, 2021	(1785102)	Item 41	June 19, 2023	(1920569)
Item 34	February 14, 2022	(1807816)	Item 42	August 19, 2023	(1934496)
Item 35	June 23, 2022	(1836575)	Item 43	September 17, 2023	(1940673)
Item 36	November 17, 2022	(1870954)	Item 44	November 16, 2023	(1953160)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 02/28/2023 (1900007)  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
  
- 2 Date: 04/30/2023 (1913961)  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
  
- 3 Date: 06/30/2023 (1927555)  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
  
- 4 Date: 08/04/2023 (1903089)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 317 317.4(a)(8)  
TX0105872 PERMIT  
WQ0013518001 PERMIT  
Description: Failure to test the reduced-pressure principal backflow prevention assembly (RPBA) annually. Specifically, a record of an annual test performed previous to December 21, 2022, was not provided.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
TX0105872 PERMIT  
WQ0013518001 PERMIT  
Description: Failure to properly operate and maintain the facility. Specifically, the chlorine contact chamber contained sludge and scum. Operators onsite during the investigation indicated that this was not typical, and it was suspected that a stronger inflow caused by a newly installed pump in the onsite lift station. It had been installed within the last couple of days.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
TX0105872 PERMIT  
WQ0013518001 PERMIT  
Description: Failure to properly maintain the facility. Specifically, the effluent from the clarifier was not flowing uniformly over the clarifier weirs, thus causing short circuiting. Heavier flow was noted on the southeast quadrant, and very little flow was noted on the northwest quadrant.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TX0105872 PERMIT  
WQ0013518001 PERMIT  
Description: Failure to submit the annual sludge report. Specifically, the annual sludge report for 2022 was not submitted.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 319, SubChapter A 319.11(d)  
TX0105872 PERMIT  
WQ0013518001 PERMIT  
Description: Failure to install the flow measurement device as required. Specifically, the



staff gauge was attached to and flush with the v-notch weir plate, which resulted in an inaccurate flow measurement due to the draw down at the v-notch weir.

- Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 217, SubChapter B 217.33(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
TX0105872 PERMIT  
WQ0013518001 PERMIT  
Description: Failure to calibrate the automatic flow device at least annually to ensure accuracy. Specifically, the Siemens FUT430 Ultrasonic Level/Flow meter was last calibrated on March 29, 2023, but there was no record of calibration in the previous year.
- Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TX015872 PERMIT  
WQ0013518001 PERMIT  
Description: Failure to provide notification of any effluent violation which deviates from the permitted effluent limitation by more than 40%. Specifically, during the record review period of January 2017 through December 2016 through March 2023, four violations which exceeded the permitted limit by more than 40% were noted, and one notification for NH3N in February 2021 was received on March 26, 2021.

- 5 Date: 09/30/2023 (1947475)  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 6 Date: 11/30/2023 (1962947)  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 7 Date: 01/02/2024 (1937600)  
Self Report? NO Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.039(b)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(9)  
30 TAC Chapter 327 327.32(b)  
TX0105872 PERMIT  
WQ0013518001 PERMIT  
Description: Failure to provide notification of any noncompliance which may endanger human health or safety, or the environment. Specifically, notification was not received as soon as possible but no later than 24 hours nor within 5 days of a Sanitary Sewer Overflow (SSO) that occurred on October 9, 2023, from the Builder Road Lift Station and a nearby cleanout.
- Self Report? NO Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
TX0105872 PERMIT  
WQ0013518001 PERMIT  
Description: Failure to prevent the unauthorized discharge of wastewater. Specifically, a Sanitary Sewer Overflow (SSO) occurred on October 9, 2023, from the Builder Road Lift Station and nearby cleanout in Crowley, TX. This SSO Incident No. is 413987.

**F. Environmental audits:**

N/A

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

N/A

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

N/A

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

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
UNDINE TEXAS ENVIRONMENTAL,  
LLC  
RN102287109

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2022-0831-MWD-E

### I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Undine Texas Environmental, LLC (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a Wastewater Treatment Facility located on the southwest corner of the intersection of Farm-to-Market Road 1187 and South Hulen Street, approximately three miles southwest of the intersection of Farm-to-Market Road 1187 and Farm-to-Market Road 731, in Tarrant County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$9,900 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$7,920 of the penalty and \$1,980 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.

## **II. ALLEGATIONS**

During a record review for the Facility conducted on May 31, 2022, an investigator documented that the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013518001, Effluent Limitations and Monitoring Requirements No. 1. Specifically, the Respondent exceeded the daily average concentration limit for total suspended solids of 15 milligrams per liter ("mg/L") with a result of 21.03 mg/L during November 2021, 15.11 mg/L during December 2021, 23.75 mg/L during February 2022, and 16mg/L during March 2022.

## **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: Undine Texas Environmental, LLC, Docket No. 2022-0831-MWD-E" to:

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

2. The Respondent shall, within 130 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0013518001, including specific corrective actions that were implemented

at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. 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:

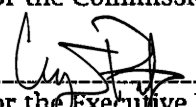
Water Section Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951

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

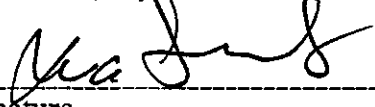
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For the Commission Date  
  
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For the Executive Director Date  
9/3/2024  
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I, the undersigned, have read and understand the attached Order. I am 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.

  
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Signature Date  
July 30, 2024  
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William A Thomas  
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Name (Printed or typed) Title  
Authorized Representative of Sr VP  
Undine Texas Environmental, LLC  
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If mailing address has changed, please check this box and provide the new address below: