

**Executive Summary – Enforcement Matter – Case No. 62496**

**Aqua Texas, Inc.**

**RN106081631**

**Docket No. 2022-0832-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

**Media:**

PWS

**Small Business:**

No

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

Rio Ancho Subdivision, 2823 County Road 322 near Liberty Hill, Burnet 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: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

**Texas Register Publication Date:** September 30, 2022

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$1,800

**Total Paid to General Revenue:** \$1,800

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

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - N/A

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

**Complaint Date(s):** May 10, 2022 through May 20, 2022

**Complaint Information:** Alleged water outages and low water pressure at a subdivision water system.

**Date(s) of Investigation:** May 19, 2022

**Date(s) of NOE(s):** May 27, 2022

**Executive Summary – Enforcement Matter – Case No. 62496**

**Aqua Texas, Inc.**

**RN106081631**

**Docket No. 2022-0832-PWS-E**

***Violation Information***

Failed to provide a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system under normal operating conditions and 20 psi during emergencies such as firefighting [30 TEX. ADMIN. CODE §§ 290.44(d) and 290.46(r)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

a. Within 30 days:

i. Determine the cause of noncompliance and make any necessary repairs or adjustments to the Facility, and maintain a minimum pressure of 35 psi throughout the distribution system under normal operating conditions, and 20 psi during emergencies such as firefighting; and

ii. Implement improvements to the Facility's process, procedures, guidance, training, and/or oversight to ensure that the Facility maintains a minimum pressure of 35 psi throughout the distribution system under normal operating conditions and 20 psi during emergencies such as firefighting.

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

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** America Ruiz, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-2601; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Craig Blanchette, President, Aqua Texas, Inc., 1106 Clayton Lane Suite 400 West, Austin, Texas 78723-2476

**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>	13-Jun-2022	<b>Screening</b>	13-Jun-2022	<b>EPA Due</b>	
	<b>PCW</b>	14-Jun-2022				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Aqua Texas, Inc.
<b>Reg. Ent. Ref. No.</b>	RN106081631
<b>Facility/Site Region</b>	11-Austin
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>		<b>No. of Violations</b>	1
<b>Enf./Case ID No.</b>	62496	<b>Order Type</b>	Findings
<b>Docket No.</b>	2022-0832-PWS-E	<b>Government/Non-Profit</b>	No
<b>Media Program(s)</b>	Public Water Supply	<b>Enf. Coordinator</b>	America Ruiz
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$1,500
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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>	20.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$300
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Notes: Enhancement for one agreed order containing a denial of liability.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$8
Estimated Cost of Compliance	\$200

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$1,800
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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>	\$1,800
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$1,800
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<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$1,800
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**Screening Date** 13-Jun-2022

**Docket No.** 2022-0832-PWS-E

**PCW**

**Respondent** Aqua Texas, Inc.

Policy Revision 5 (January 28, 2021)

**Case ID No.** 62496

PCW Revision February 11, 2021

**Reg. Ent. Reference No.** RN106081631

**Media** Public Water Supply

**Enf. Coordinator** America Ruiz

### 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> )	1	20%
	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)** 20%

#### >> Repeat Violator (Subtotal 3)

N/A

**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 one agreed order containing a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 20%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 20%

Screening Date 13-Jun-2022

Docket No. 2022-0832-PWS-E

PCW

Respondent Aqua Texas, Inc.

Policy Revision 5 (January 28, 2021)

Case ID No. 62496

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN106081631

Media Public Water Supply

Enf. Coordinator America Ruiz

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.44(d) and 290.46(r)

Violation Description

Failed to provide a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system under normal operating conditions and 20 psi during emergencies such as firefighting. Specifically, data collected from a pressure recorder deployed between May 13, 2022 through May 19, 2022 documented 61 instances of pressure drops below 35 psi, 51 of which were below 20 psi.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to maintain adequate pressure throughout the distribution system at all times may result in backflow or siphonage and expose persons served by the Facility to contaminants that would exceed levels protective of human health.

Adjustment \$3,500

\$1,500

Violation Events

Number of Violation Events 1 Number of violation days 25

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$1,500

One monthly event is recommended, calculated from the date of the investigation, May 19, 2022, to the date of screening, June 13, 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 \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$1,800

This violation Final Assessed Penalty (adjusted for limits) \$1,800

# Economic Benefit Worksheet

**Respondent** Aqua Texas, Inc.  
**Case ID No.** 62496  
**Reg. Ent. Reference No.** RN106081631  
**Media Violation No.** Public Water Supply  
 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	19-May-2022	10-Mar-2023	0.81	\$4	n/a	\$4
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	19-May-2022	10-Mar-2023	0.81	\$4	n/a	\$4

Notes for DELAYED costs

The training/sampling delayed cost includes the estimated cost to implement improvements to the Facility's process, procedures, guidance, training, and/or oversight to ensure that the Facility maintains a minimum pressure of 35 psi throughout the distribution system under normal operating conditions and 20 psi during emergencies such as firefighting, calculated from the date of the investigation to the estimated date of compliance.

The other (as needed) delayed cost includes the estimated amount to determine the cause of noncompliance, make any necessary repairs or adjustments to the Facility, and maintain minimum pressure of 35 psi throughout the distribution system under normal operating conditions and 20 psi during emergencies such as firefighting, 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 \$200

**TOTAL** \$8



# Compliance History Report

Compliance History Report for CN604062463, RN106081631, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

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

**Regulated Entity:** RN106081631, RIO ANCHO SUBDIVISION **Classification:** NOT APPLICABLE **Rating:** N/A

**Complexity Points:** N/A **Repeat Violator:** N/A

**CH Group:** 14 - Other

**Location:** 2823 COUNTY ROAD 322 NEAR LIBERTY HILL IN BURNET COUNTY, TEXAS

**TCEQ Region:** REGION 11 - AUSTIN

**ID Number(s):**

**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION**  
0270141

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

**Date Compliance History Report Prepared:** June 13, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** June 13, 2017 to June 13, 2022

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

**Name:** America Ruiz

**Phone:** (512) 239-2601

**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:**

- 1 Effective Date: 09/22/2020 ADMINORDER 2019-1597-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)

30 TAC Chapter 290, SubChapter D 290.46(r)

Description: The system failed to maintain a minimum pressure of 35 psi. All public water systems shall be operated to provide a minimum pressure of 35 psi throughout the distribution system under normal operating conditions. The system shall also be operated to maintain a minimum pressure of 20 psi during emergencies such as fire fighting. Specifically, the pressure dropped below 35 psi on September 27 and September 30, 2019.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

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

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

N/A

**F. Environmental audits:**

N/A

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

N/A

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

N/A

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

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A



## Component Appendices

### Appendix A

#### All NOVs Issued During Component Period 6/13/2017 and 6/13/2022

- 1 Date: 02/15/2018 (1467113)  
Self Report? NO Classification: Minor  
Citation:  
Description: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)  
The water system does not have two gallons per minute per connection of service pump capacity. The two pumps are each listed at 120 gallons per minute. The system currently has 128 connections.
- 2 Date: 08/08/2019 (1581397)  
Self Report? NO Classification: Major  
Citation:  
Description: 30 TAC Chapter 290, SubChapter D 290.44(d)  
30 TAC Chapter 290, SubChapter D 290.46(r)  
The system failed to maintain a minimum pressure of 35 psi. All public water systems shall be operated to provide a minimum pressure of 35 psi throughout the distribution system under normal operating conditions. The system shall also be operated to maintain a minimum pressure of 20 psi during emergencies such as fire fighting.
- 3 Date: 08/11/2020 (1664757)  
Self Report? NO Classification: Moderate  
Citation:  
Description: 30 TAC Chapter 290, SubChapter D 290.46(r)  
Failure to provide a minimum pressure of 35 pounds per square inch (psi) throughout the distribution system under normal operating conditions.
- 4\* Date: 11/09/2020 (1684336)  
Self Report? NO Classification: Moderate  
Citation:  
Description: 30 TAC Chapter 290, SubChapter D 290.39(j)  
Failure to notify the executive director prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities. The system has a 3,000-gallon pressure tank which has not received TCEQ approval.

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

### Appendix B

#### All Investigations Conducted During Component Period June 13, 2017 and June 13, 2022

- Item 1 February 15, 2018\*\* (1467113)  
Item 2 September 18, 2019\*\* (1592940)  
Item 3 November 09, 2020\*\* (1684336)  
Item 4 March 15, 2021\*\* (1700504)

\* No violations documented during this investigation

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

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
AQUA TEXAS, INC.  
RN106081631

§ BEFORE THE  
§ TEXAS COMMISSION ON  
§ ENVIRONMENTAL QUALITY  
§

## AGREED ORDER DOCKET NO. 2022-0832-PWS-E

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Aqua Texas, Inc. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

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

### I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at 2823 County Road 322 near Liberty Hill in Burnet County, Texas the "Facility"). The Facility provides water for human consumption, has approximately 213 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. During an investigation at the Facility conducted on May 19, 2022, an investigator documented that data collected from a pressure recorder deployed between May 13, 2022 through May 19, 2022 documented 61 instances of pressure drops below 35 pounds per square inch ("psi"), 51 of which were below 20 psi.

### II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to provide a minimum pressure of 35 psi throughout the distribution system under normal operating

conditions and 20 psi during emergencies such as firefighting, in violation of 30 TEX. ADMIN. CODE §§ 290.44(d) and 290.46(r).

3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$1,800 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent paid the \$1,800 penalty.

### III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Aqua Texas, Inc., Docket No. 2022-0832-PWS-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. Determine the cause of noncompliance and make any necessary repairs or adjustments to the Facility, and maintain a minimum pressure of 35 psi throughout the distribution system under normal operating conditions, and 20 psi during emergencies such as firefighting, in accordance with 30 TEX. ADMIN. CODE §§ 290.44 and 290.46; and
    - ii. Implement improvements to the Facility's process, procedures, guidance, training, and/or oversight to ensure that the Facility maintains a minimum pressure of 35 psi throughout the distribution system under normal operating conditions and 20 psi during emergencies such as firefighting, in accordance with 30 TEX. ADMIN. CODE §§ 290.44 and 290.46.
  - b. Within 45 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.a.i and 2.a.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:

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

with a copy to:

Water Section Manager  
Austin Regional Office  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

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 Order Compliance Team at the address listed above.
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 in this Order.

7. 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.
8. 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.
9. 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.
10. 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



-----  
For the Executive Director

-----  
Date

12/19/2022

-----  
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the 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

8/23/2022

-----  
Date

Craig Blanchette

-----  
Name (Printed or typed)  
Authorized Representative of  
Aqua Texas, Inc.

President

-----  
Title

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

**Instructions:** Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.