

Executive Summary – Enforcement Matter – Case No. 62739

Aqua Texas, Inc.

RN100843143

Docket No. 2022-1105-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three repeated enforcement actions (or two orders with nuisance violations) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

Sandy Creek Ranches Subdivision, 14503 Round Mountain Road near Leander, Travis County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 12, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$4,500

Total Paid to General Revenue: \$4,500

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - N/A

Site/RN - N/A

Major Source: Yes

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: June 7, 2022 through June 28, 2022

Date(s) of NOE(s): July 22, 2022

Executive Summary – Enforcement Matter – Case No. 62739

Aqua Texas, Inc.

RN100843143

Docket No. 2022-1105-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. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that a minimum pressure of 35 psi is maintained throughout the distribution system under normal operating conditions, and 20 psi is maintained during emergencies such as firefighting; and

ii. 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.

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

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Corinna Willis, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2504; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Craig L. Blanchette, President, Aqua Texas, Inc., 762 West Landcaster Avenue, Bryn Mawr, Pennsylvania 19010

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	25-Jul-2022			
	PCW	24-Aug-2022	Screening	9-Aug-2022	EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent	Aqua Texas, Inc.				
Reg. Ent. Ref. No.	RN100843143				
Facility/Site Region	11-Austin		Major/Minor Source	Major	

CASE INFORMATION

Enf./Case ID No.	62739	No. of Violations	1
Docket No.	2022-1105-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Corinna Willis
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$4,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes	No adjustment for compliance history.			
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.				
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$35	<i>*Capped at the Total EB \$ Amount</i>
Estimated Cost of Compliance	\$300	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$4,500
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes				
	Final Penalty Amount			
	\$4,500			

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$4,500
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.			
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PAYABLE PENALTY	\$4,500
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Screening Date

9-Aug-2022

Docket No.

2022-1105-PWS-E

PCW

Respondent

Aqua Texas, Inc.

Case ID No.

62739

Reg. Ent. Reference No.

RN100843143

Media

Public Water Supply

Enf. Coordinator

Corinna Willis

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2)

0%

>> Repeat Violator (Subtotal 3)

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	No adjustment for compliance history.
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Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)

0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

0%

Screening Date	9-Aug-2022	Docket No.	2022-1105-PWS-E	PCW
Respondent	Aqua Texas, Inc.			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	62739			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN100843143			
Media	Public Water Supply			
Enf. Coordinator	Corinna Willis			
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 June 7, 2022 through June 28, 2022, documented 67 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	3	63	Number of violation days
	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
	Violation Base Penalty	\$4,500		
	Three monthly events are recommended, calculated from June 7, 2022, the date of the investigation, to August 9, 2022, the date of screening.			
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	\$4,500		
Economic Benefit (EB) for this violation		Statutory Limit Test		
	Estimated EB Amount	\$35	Violation Final Penalty Total	\$4,500
	This violation Final Assessed Penalty (adjusted for limits)			\$4,500

Economic Benefit Worksheet

Respondent Aqua Texas, Inc.
Case ID No. 62739
Reg. Ent. Reference No. RN100843143
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	7-Jun-2022	10-Oct-2024	2.35	\$12	n/a	\$12
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$200	7-Jun-2022	10-Oct-2024	2.35	\$23	n/a	\$23

Notes for DELAYED costs

The Training/Sampling delayed cost includes the estimated amount to implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure a minimum pressure of 35 psi is provided 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 \$300

TOTAL \$35



Compliance History Report

Compliance History Report for CN604062463, RN100843143, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN604062463, Aqua Texas, Inc.

Classification: NOT APPLICABLE

Rating: N/A

Regulated Entity: RN100843143, SANDY CREEK RANCHES SUBDIVISION

Classification: NOT APPLICABLE

Rating: N/A

Complexity Points: N/A

Repeat Violator: N/A

CH Group: 14 - Other

Location: 14503 ROUND MOUNTAIN ROAD NEAR LEANDER, TRAVIS COUNTY, TEXAS

TCEQ Region: REGION 11 - AUSTIN

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2270054

Compliance History Period: September 01, 2019 to August 31, 2024

Rating Year: 2024

Rating Date: 09/01/2024

Date Compliance History Report Prepared: February 13, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 13, 2019 to February 13, 2024

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

Name: Corinna Willis

Phone: (512) 239-2504

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.):

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 NOV's Issued During Component Period 2/13/2019 and 2/13/2024

1	Date: 05/09/2019 (1551026)		
	Self Report? NO	Classification: Minor	
	Citation:		
	Description: 30 TAC Chapter 290, SubChapter D 290.43(d)(9)		
	Description: Failure to obtain approval for more than three pressure tanks installed at any one site.		
2	Date: 11/26/2019 (1611236)		
	Self Report? NO	Classification: Minor	
	Citation:		
	Description: 30 TAC Chapter 290, SubChapter D 290.46(r)		
	Description: Failure to supply a minimum pressure of 35 psi at all points within the distribution network under normal operating conditions.		
3	Date: 12/03/2021 (1765155)		
	Self Report? NO	Classification: Moderate	
	Citation:		
	Description: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)		
	Description: Failure to maintain a free chlorine residual of 0.2 mg/L as measured by total chlorine in the distribution system.		
4	Date: 03/02/2022 (1795267)		
	Self Report? NO	Classification: Moderate	
	Citation:		
	Description: 30 TAC Chapter 290, SubChapter D 290.46(r)		
	Description: Failure to maintain a minimum pressure of 35 pounds per square inch (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 firefighting.		
5	Date: 04/12/2022 (1805069)		
	Self Report? NO	Classification: Moderate	
	Citation:		
	Description: 30 TAC Chapter 290, SubChapter D 290.44(d)		
	Description: 30 TAC Chapter 290, SubChapter D 290.46(r)		
	Description: Failure to maintain a minimum pressure of 35 pounds per square inch (psi) throughout the distribution system under normal operating conditions and a minimum pressure of 20 psi during emergencies such as firefighting.		
6	Date: 08/31/2022 (1828480)		
	Self Report? NO	Classification: Minor	
	Citation:		
	Description: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)		
	Description: Failure to have well vents installed.		
	Self Report? NO	Classification: Moderate	
	Citation:		
	Description: 30 TAC Chapter 290, SubChapter D 290.39(j)		
	Description: Failure to notify the executive director prior to making any significant change or addition to an existing system.		
	Self Report? NO	Classification: Minor	
	Citation:		
	Description: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(G)		
	Description: Failure to obtain approval prior to blending water. During the CCI it was discovered that the system was hauling water treated with chloramines to		

Compliance History Report for CN604062463, RN100843143, Rating Year 2024 which includes Compliance History (CH) components from February 13, 2019, through February 13, 2024.

portions of the distribution system, and the PWS disinfects its well water with free chlorine. If water containing chloramines and water containing free chlorine are blended, then a case-by-case review under §290.39(l) of the Texas Administrative Code will be required.

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iv)

Description: Failure to maintain the minimum capacity requirements for pressure and or elevated storage.

Self Report? NO Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: Failure to maintain sanitary control easements for all wells.

Self Report? NO Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter D 290.46(m)(1)

30 TAC Chapter 290, SubChapter D 290.46(s)(1)

30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)

Description: Failure to provide documentation including manual disinfectant analyzer verifications, tank inspection forms, and well meter calibrations.

Self Report? NO Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter D 290.44(h)(4)

Description: Failure to provide a list of backflow assemblies and corresponding backflow assembly test reports.

Self Report? NO Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter D 290.43(d)(9)

Description: The PWS has four pressure tanks at the Live Oak treatment plant. The system must obtain TCEQ approval to have more than three pressure tanks installed at one site.

* NOVs applicable for the Compliance History rating period 9/1/2019 to 8/31/2024

Appendix B

All Investigations Conducted During Component Period February 13, 2019 and February 13, 2024

Item 1	May 08, 2019	(1551026)
Item 2	August 30, 2022**	(1828480)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2019 and 08/31/2024.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
AQUA TEXAS, INC.
RN100843143

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

AGREED ORDER DOCKET NO. 2022-1105-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 they have 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 14503 Round Mountain Road near Leander, Travis County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 674 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(73).
2. During an investigation at the Facility conducted on June 7, 2022 through June 28, 2022, an investigator documented that data collected from a pressure recorder deployed between June 7, 2022 through June 28, 2022, documented 67 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 \$4,500 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 \$4,500 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. 2022-1105-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. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that a minimum pressure of 35 psi is maintained throughout the distribution system under normal operating conditions, and 20 psi is maintained during emergencies such as firefighting, in accordance with 30 TEX. ADMIN. CODE §§ 290.44 and 290.46; and
 - ii. 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
 - 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:

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 Enforcement Division 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

Date



For the Executive Director

5/3/2024

Date

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

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

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

5/21

Signature

Craig Blanchette

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

2/21/24

Date

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.