

**Executive Summary – Enforcement Matter – Case No. 63417**

**Texas Water Utilities, L.P.**

**RN101520641**

**Docket No. 2022-1674-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

No

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

Beacon Bay Marina WWTP, located approximately 730 feet southwest of the intersection of Farm-to-Market Road 350 and Farm-to-Market Road 3126, Polk 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:** January 17, 2025

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$18,100

**Amount Deferred for Expedited Settlement:** \$3,620

**Total Paid to General Revenue:** \$14,480

**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:** June 29, 2022

**Date(s) of NOE(s):** August 24, 2022

**Executive Summary – Enforcement Matter – Case No. 63417**

**Texas Water Utilities, L.P.**

**RN101520641**

**Docket No. 2022-1674-MWD-E**

***Violation Information***

1. Failed to comply with permitted effluent limitations for dissolved oxygen, total suspended solids, and biochemical oxygen demand (5-day) [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013637001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6].

2. Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the Respondent did not collect and analyze a sample for *Escherichia coli* for the quarterly monitoring period ending February 28, 2022 [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b), and TPDES Permit No. WQ0013637001, Effluent Limitations Monitoring and Reporting Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

By July 31, 2024, the Respondent implemented corrective measures and achieved compliance with all permitted effluent limitations in TPDES Permit No. WQ0013637001.

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days, develop and implement procedures and conduct employee training to ensure samples are collected and analyzed in accordance with permit requirements; and
- b. Within 45 days, submit written certification to demonstrate compliance with a.

***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:** Jeffrey McIntyre, President, Texas Water Utilities, L.P., 1620 Grand Avenue Parkway, Suite 140, Pflugerville, Texas 78660

**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>	6-Sep-2022	<b>Screening</b>	19-Sep-2022	<b>EPA Due</b>	
	<b>PCW</b>	14-Oct-2024				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Texas Water Utilities, L.P.				
<b>Reg. Ent. Ref. No.</b>	RN101520641				
<b>Facility/Site Region</b>	10-Beaumont	<b>Major/Minor Source</b>	Minor		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	63417	<b>No. of Violations</b>	2
<b>Docket No.</b>	2022-1674-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>	\$16,250
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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%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$3,250
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Notes: Enhancement for three months of self-reported effluent violations and one NOV with similar violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$1,500
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<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$1,679  
Estimated Cost of Compliance #NAME?  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$18,000
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.6%	<b>Adjustment</b>	\$100
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost of compliance associated with Violation No. 2.

<b>Final Penalty Amount</b>	\$18,100
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$18,100
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<b>DEFERRAL</b>	20.0%	<b>Reduction</b>	<b>Adjustment</b>	-\$3,620
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$14,480
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<b>Screening Date</b>	19-Sep-2022	<b>Docket No.</b>	2022-1674-MWD-E	<b>PCW</b>
<b>Respondent</b>	Texas Water Utilities, L.P.			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	63417			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN101520641			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	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> )	4	20%
	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)** 20%

### >> 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 three months of self-reported effluent violations and one NOV with similar violations.

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

### >> Final Compliance History Adjustment

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

<b>Screening Date</b> 19-Sep-2022 <b>Respondent</b> Texas Water Utilities, L.P. <b>Case ID No.</b> 63417 <b>Reg. Ent. Reference No.</b> RN101520641 <b>Media</b> Water Quality <b>Enf. Coordinator</b> Monica Larina	<b>Docket No.</b> 2022-1674-MWD-E  <div style="text-align: right; font-size: small;"> <i>Policy Revision 5 (January 28, 2021)</i>  <i>PCW Revision February 11, 2021</i> </div>	<b>PCW</b>		
<b>Violation Number</b> <span style="border: 1px solid black; padding: 2px 10px;">1</span>				
<b>Rule Cite(s)</b> <span style="border: 1px solid black; padding: 5px;">30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013637001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6</span>				
<b>Violation Description</b> <span style="border: 1px solid black; padding: 5px;">Failed to comply with permitted effluent limitations, as shown in the attached violation table.</span>				
<b>Base Penalty</b>		<span style="border: 1px solid black; padding: 2px 20px;">\$25,000</span>		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			x
	Potential			
		<b>Percent</b>	<span style="border: 1px solid black; padding: 2px 20px;">15.0%</span>	
<b>&gt;&gt; Programmatic Matrix</b>				
	Harm			
	Falsification	Major	Moderate	Minor
		<b>Percent</b>	<span style="border: 1px solid black; padding: 2px 20px;">0.0%</span>	
Matrix Notes	A simplified model was used to evaluate biochemical oxygen demand. Dissolved Oxygen and total suspended solids were also considered. 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.			
<b>Adjustment</b>		<span style="border: 1px solid black; padding: 2px 20px;">\$21,250</span>		
		<span style="border: 1px solid black; padding: 2px 20px;">\$3,750</span>		
<b>Violation Events</b>				
Number of Violation Events <span style="border: 1px solid black; padding: 2px 10px;">4</span>		<span style="border: 1px solid black; padding: 2px 10px;">304</span> Number of violation days		
	daily weekly monthly quarterly semiannual annual single event			
		x		
		<b>Violation Base Penalty</b>	<span style="border: 1px solid black; padding: 2px 20px;">\$15,000</span>	
Four quarterly events are recommended for the quarters containing the months of June 2021 through March 2022.				
<b>Good Faith Efforts to Comply</b>		<b>10.0%</b>	Reduction <span style="border: 1px solid black; padding: 2px 20px;">\$1,500</span>	
Before NOE/NOV    NOE/NOV to EDPRP/Settlement Offer				
Extraordinary				
Ordinary			x	
N/A				
Notes		The Respondent achieved compliance on July 31, 2024.		
		<b>Violation Subtotal</b>	<span style="border: 1px solid black; padding: 2px 20px;">\$13,500</span>	
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>	
Estimated EB Amount <span style="border: 1px solid black; padding: 2px 20px;">\$1,544</span>		Violation Final Penalty Total <span style="border: 1px solid black; padding: 2px 20px;">\$16,592</span>		
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<span style="border: 1px solid black; padding: 2px 20px;">\$16,592</span>	

# Economic Benefit Worksheet

**Respondent** Texas Water Utilities, L.P.  
**Case ID No.** 63417  
**Reg. Ent. Reference No.** RN101520641  
**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)	\$10,000	30-Jun-2021	31-Jul-2024	3.09	\$1,544	n/a	\$1,544

### 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, and the Final Date is the date of compliance.

## Avoided Costs

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

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

### Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

**TOTAL**

\$1,544

<b>Screening Date</b>	19-Sep-2022	<b>Docket No.</b>	2022-1674-MWD-E	<b>PCW</b>
<b>Respondent</b>	Texas Water Utilities, L.P.	Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021		
<b>Case ID No.</b>	63417			
<b>Reg. Ent. Reference No.</b>	RN101520641			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Monica Larina			
<b>Violation Number</b>	2			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 305.125(1) and 319.5(b), and TPDES Permit No. WQ0013637001, Effluent Limitations and Monitoring and Reporting Requirements No. 1			
<b>Violation Description</b>	Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the Respondent did not collect and analyze a sample for Escherichia coli for the quarterly monitoring period ending February 28, 2022.			
		<b>Base Penalty</b>	\$25,000	

  

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential		x		<b>Percent</b> 5.0%

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

  

Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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<b>Adjustment</b>	\$23,750
\$1,250	

  

**Violation Events**

Number of Violation Events	1	Number of violation days	28
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	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

  

One single event is recommended.	<b>Violation Base Penalty</b>	\$1,250
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**Good Faith Efforts to Comply**

	<b>0.0%</b>	<b>Reduction</b>	\$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.		
<b>Violation Subtotal</b>		\$1,250	

  

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

**Statutory Limit Test**

<b>Estimated EB Amount</b>	\$135	<b>Violation Final Penalty Total</b>	\$1,508
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$1,508	

## Economic Benefit Worksheet

**Respondent** Texas Water Utilities, L.P.  
**Case ID No.** 63417  
**Reg. Ent. Reference No.** RN101520641  
**Media** Water Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	29-Jun-2022	5-Apr-2025	2.77	\$35	n/a	\$35
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
<b>Notes for DELAYED costs</b>	Estimated Training/Sampling cost to develop and implement procedures and conduct employee training to ensure samples are collected and analyzed in accordance with permit requirements. The Date Required is the date of the investigation, and the Final Date is the estimated date of compliance.						
<b>Avoided Costs</b>							
<b>ANNUALIZE avoided costs before entering item (except for one-time avoided costs)</b>							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)	\$98	28-Feb-2022	19-Sep-2022	0.56	\$2	\$98	\$100
<b>Notes for AVOIDED costs</b>	Estimated avoided cost to collect and analyze effluent samples. The Date Required is the initial date of noncompliance, and the Final Date is the screening date.						
<b>Approx. Cost of Compliance</b>	\$348			<b>TOTAL</b>		\$135	



Texas Water Utilities, L.P.  
Docket No. 2022-1674-MWD-E  
TPDES Permit No. WQ0013637001  
Case No. 63417

Effluent Violation Table			
	Biochemical Oxygen Demand (5-day)	Dissolved Oxygen	Total Suspended Solids
Monitoring Period	Daily Average Concentration Limit = 10 mg/L	Monthly Minimum Concentration Limit = 4.0 mg/L	Daily Average Concentration Limit = 15 mg/L
June 2021	c	0.8	c
July 2021	11.25	0.6	c
August 2021	c	0.2	c
September 2021	c	0.6	c
October 2021	c	1.5	c
November 2021	c	2.7	c
December 2021	c	3.6	c
January 2022	c	3.1	c
February 2022	16.5	2.2	20.25
March 2022	18.6	1.4	24.4

mg/L = milligrams per liter      c = compliant



# Compliance History Report

Compliance History Report for CN602740706, RN101520641, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

**Customer, Respondent, or Owner/Operator:** CN602740706, Texas Water Utilities, L.P. **Classification:** SATISFACTORY **Rating:** 2.81

**Regulated Entity:** RN101520641, BEACON BAY MARINA WWTP **Classification:** SATISFACTORY **Rating:** 2.63

**Complexity Points:** 4 **Repeat Violator:** NO

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

**Location:** located approximately 730 feet southwest of the intersection of Farm-to-Market Road 350 and Farm-to-Market Road 3126 in Polk County, Texas

**TCEQ Region:** REGION 10 - BEAUMONT

**ID Number(s):**  
**WASTEWATER PERMIT** WQ0013637001 **WASTEWATER EPA ID** TX0075949  
**WATER QUALITY NON-PERMITTED ID NUMBER** 10101520641

**Compliance History Period:** September 01, 2019 to August 31, 2024 **Rating Year:** 2024 **Rating Date:** 09/01/2024

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

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** October 14, 2019 to October 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? YES
- 3) Who is the current owner/operator?  
Beacon Holdings Corporation OWNER since 8/7/2002  
Texas Water Utilities, L.P. OWNER since 8/31/2020  
Goins Utility Service LLC OWNER since 7/1/2016
- 4) Who was/were the prior owner(s)/operator(s)? GOINS, SHANNON LYNN, OWNER, 2/23/2017 to 8/30/2020

## 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	November 08, 2019	(1614257)	Item 7	August 14, 2020	(1674553)
Item 2	December 10, 2019	(1620049)	Item 8	October 19, 2020	(1687901)
Item 3	January 03, 2020	(1627396)	Item 9	October 21, 2020	(1694249)
Item 4	February 07, 2020	(1635029)	Item 10	October 22, 2020	(1687900)
Item 5	March 04, 2020	(1641644)	Item 11	December 07, 2020	(1715379)
Item 6	June 24, 2020	(1661075)	Item 12	February 01, 2021	(1715380)

Item 13	March 25, 2021	(1728449)	Item 21	November 20, 2023	(1952671)
Item 14	June 01, 2021	(1728451)	Item 22	December 20, 2023	(1962445)
Item 15	November 22, 2022	(1870458)	Item 23	January 20, 2024	(1969033)
Item 16	December 20, 2022	(1876312)	Item 24	March 20, 2024	(1984671)
Item 17	January 20, 2023	(1883126)	Item 25	June 20, 2024	(2004612)
Item 18	June 20, 2023	(1920075)	Item 26	July 20, 2024	(2012158)
Item 19	August 21, 2023	(1934006)	Item 27	August 21, 2024	(2017750)
Item 20	September 20, 2023	(1940145)			

**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:        | 01/31/2024   | (1978098) |                 |          |
|   | Self Report? | YES  |           | Classification: | Moderate |
|   | Citation:    | 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)   |           |                 |          |
|   | Description: | Failure to meet the limit for one or more permit parameter   |           |                 |          |
| 2 | Date:        | 03/31/2024   | (1991194) |                 |          |
|   | Self Report? | YES  |           | Classification: | Moderate |
|   | Citation:    | 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)   |           |                 |          |
|   | Description: | Failure to meet the limit for one or more permit parameter   |           |                 |          |
| 3 | Date:        | 04/30/2024   | (1997649) |                 |          |
|   | Self Report? | YES  |           | Classification: | Moderate |
|   | Citation:    | 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)   |           |                 |          |
|   | Description: | Failure to meet the limit for one or more permit parameter   |           |                 |          |
| 4 | Date:        | 06/14/2024   | (1983270) |                 |          |
|   | Self Report? | NO   |           | Classification: | Moderate |
|   | Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>PC, pg. 10, 2(g) PERMIT   |           |                 |          |
|   | Description: | Failure by Texas Water Utilities L.P. to ensure that the Beacon Bay Marina Wastewater Treatment Plant (WWTP) prevents the discharge of wastewater into or adjacent to waters in the state.                       |           |                 |          |
|   | Self Report? | NO   |           | Classification: | Minor    |
|   | Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(5)<br>OpR 1, Pg. 13 PERMIT  |           |                 |          |
|   | Description: | Failure by Texas Water Utilities L.P. to ensure that the Beacon Bay Marina Wastewater Treatment Plant (WWTP) and all of its systems of collection, treatment, and disposal are properly operated and maintained. |           |                 |          |

#### 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  
TEXAS WATER UTILITIES, L.P.  
RN101520641

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

## AGREED ORDER DOCKET NO. 2022-1674-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 Texas Water Utilities, L.P. (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 approximately 730 feet southwest of the intersection of Farm-to-Market Road 350 and Farm-to-Market Road 3126 in Polk 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 \$18,100 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$14,480 of the penalty and \$3,620 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that by July 31, 2024, the Respondent implemented corrective measures at the Facility and achieved compliance with all permitted effluent limitations in Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013637001.

## II. ALLEGATIONS

During a record review for the Facility conducted on June 29, 2022, an investigator documented that the Respondent:

1. 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 TPDES Permit No. WQ0013637001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6, as shown in the effluent violation table below:

Effluent Violation Table			
	Biochemical Oxygen Demand (5-day)	Dissolved Oxygen	Total Suspended Solids
Monitoring Period	Daily Average Concentration Limit = 10 mg/L	Monthly Minimum Concentration Limit = 4.0 mg/L	Daily Average Concentration Limit = 15 mg/L
June 2021	c	0.8	c
July 2021	11.25	0.6	c
August 2021	c	0.2	c
September 2021	c	0.6	c
October 2021	c	1.5	c
November 2021	c	2.7	c
December 2021	c	3.6	c
January 2022	c	3.1	c
February 2022	16.5	2.2	20.25
March 2022	18.6	1.4	24.4

mg/L = milligrams per liter      c = compliant

2. Failed to collect and analyze effluent samples at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b), and TPDES Permit No. WQ0013637001, Effluent Limitations Monitoring and Reporting Requirements No. 1. Specifically, the Respondent did not collect and analyze a sample for *Escherichia coli* for the quarterly monitoring period ending February 28, 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: Texas Water Utilities, L.P., Docket No. 2022-1674-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 undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order, develop and implement procedures and conduct employee training to ensure samples are collected and analyzed in accordance with permit requirements, and in accordance with 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b); and
  - 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 No. 2.a. 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  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1830

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above
6. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.



**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

-----  
For the Commission



-----  
For the Executive Director

-----  
Date

4/15/2025

-----  
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.

  
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Signature

11-26-2024  
-----  
Date

Jeffrey L. McIntyre  
-----  
Name (Printed or typed)  
Authorized Representative of  
Texas Water Utilities, L.P.

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.