

Executive Summary – Enforcement Matter – Case No. 64430
LOOP WATER SUPPLY CORPORATION
RN101183036
Docket No. 2023-1033-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:

Yes

Location(s) Where Violation(s) Occurred:

Loop WSC, 1559 Farm-to-Market Road 303, Loop, Gaines 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: January 31, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$3,450

Total Paid to General Revenue: \$3,450

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Unclassified

Site/RN - Unclassified

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: July 17, 2023 through July 28, 2023

Date(s) of NOE(s): July 28, 2023

Violation Information

1. Failed to comply with the maximum contaminant level ("MCL") of 0.010 milligrams per liter ("mg/L") for arsenic based on a running annual average [30 TEX. ADMIN. CODE § 290.106(f)(3)(C) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

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Docket No. 2023-1033-PWS-E

2. Failed to comply with the MCL of 4 mg/L for fluoride based on a running annual average [30 TEX. ADMIN. CODE § 290.106(f)(3)(C) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
3. Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed, and report the results to the Executive Director (“ED”) [30 TEX. ADMIN CODE § 290.117(c)(2)(C), (h), and (i)(1)].
4. Failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the ED regarding the failure to collect water quality parameter samples [30 TEX. ADMIN CODE § 290.122(c)(2)(A) and (f)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective actions:

- a. By September 1, 2023, began complying with the MCL of 4 mg/L for fluoride based on a running annual average;
- b. By September 9, 2023, provided public notification and submitted a copy of the public notification, accompanied with a signed Certificate of Delivery, to the ED regarding the failure to collect water quality parameter samples;
- c. By November 27, 2023, collected lead and copper tap samples at the required five sample sites, have the samples analyzed, and reported the results to the ED; and
- d. By March 15, 2024, began complying with the MCL of 0.010 mg/L for arsenic based on a running annual average.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Wyatt Throm, Enforcement Division, Enforcement Team 5, MC 219, (512) 239-1120; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Marcus Crow, President, LOOP WATER SUPPLY CORPORATION, P.O. Box N, Loop, Texas, 79342

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	31-Jul-2023	Screening	4-Aug-2023	EPA Due	31-Mar-2023
	PCW	10-Aug-2023				

RESPONDENT/FACILITY INFORMATION

Respondent	LOOP WATER SUPPLY CORPORATION				
Reg. Ent. Ref. No.	RN101183036				
Facility/Site Region	7-Midland	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	64430	No. of Violations	4
Docket No.	2023-1033-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Wyatt Throm
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$3,750
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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	2.0%	Adjustment	Subtotals 2, 3, & 7	\$75
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Notes Enhancement for one NOV with dissimilar violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$375
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$902
Estimated Cost of Compliance #NAME?
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,450
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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	\$3,450
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,450
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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.

PAYABLE PENALTY	\$3,450
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Screening Date	4-Aug-2023	Docket No.	2023-1033-PWS-E	PCW
Respondent	LOOP WATER SUPPLY CORPORATION			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	64430			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101183036			
Media	Public Water Supply			
Enf. Coordinator	Wyatt Throm			

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	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 2%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with dissimilar violations.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 2%

Screening Date 4-Aug-2023		Docket No. 2023-1033-PWS-E		PCW	
Respondent LOOP WATER SUPPLY CORPORATION		Policy Revision 5 (January 28, 2021)			
Case ID No. 64430		PCW Revision February 11, 2021			
Reg. Ent. Reference No. RN101183036					
Media Public Water Supply					
Enf. Coordinator Wyatt Throm					
Violation Number 1					
Rule Cite(s)		30 Tex. Admin. Code § 290.106(f)(3)(C) and Tex. Health & Safety Code § 341.0315(c)			
Violation Description		Failed to comply with the maximum contaminant level ("MCL") of 0.010 milligrams per liter ("mg/L") for arsenic based on a running annual average. Specifically, the running annual average concentrations of arsenic were 0.012 mg/L for the fourth quarter of 2022, 0.016 mg/L for the first quarter of 2023, and 0.014 mg/L for the second quarter of 2023.			
Base Penalty				\$5,000	
>> Environmental, Property and Human Health Matrix					
OR	Release		Harm		
	Major	Moderate	Minor		
	Actual	x			
	Potential				Percent 25.0%
>>Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Exceeding the MCL for arsenic caused the persons served by the Facility to be exposed to a significant amount of pollutants which do not exceed levels protective of human health.				
Adjustment				\$3,750	
				\$1,250	
>> Violation Events					
Number of Violation Events		1		272 Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual	x			
	single event				
Violation Base Penalty				\$1,250	
One annual event is recommended.					
Good Faith Efforts to Comply		10.0%		Reduction \$125	
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer			
	Extraordinary				
	Ordinary	x			
	N/A				
	Notes	The Respondent achieved compliance on March 15, 2024.			
Violation Subtotal				\$1,125	
>> Economic Benefit (EB) for this violation					
>> Statutory Limit Test					
Estimated EB Amount		\$422		Violation Final Penalty Total \$1,150	
This violation Final Assessed Penalty (adjusted for limits)				\$1,150	

Economic Benefit Worksheet

Respondent LOOP WATER SUPPLY CORPORATION
Case ID No. 64430
Reg. Ent. Reference No. RN101183036
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)	\$5,000	31-Dec-2022	15-Mar-2024	1.21	\$20	\$402	\$422
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)				0.00	\$0	n/a	\$0
The delayed cost includes the estimated amount to investigate, identify, and implement corrective actions to return to compliance with the MCL for arsenic, calculated from the last day of the first quarter of noncompliance to the date of compliance.							

Notes for DELAYED costs

Avoided Costs

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

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

Approx. Cost of Compliance

\$5,000

TOTAL

\$422

Screening Date 4-Aug-2023 Respondent LOOP WATER SUPPLY CORPORATION Case ID No. 64430 Reg. Ent. Reference No. RN101183036 Media Public Water Supply Enf. Coordinator Wyatt Throm	Docket No. 2023-1033-PWS-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	2	Rule Cite(s)	30 Tex. Admin. Code § 290.106(f)(3)(C) and Tex. Health & Safety Code § 341.0315(c)
Violation Description	Failed to comply with the MCL of 4 mg/L for fluoride based on a running annual average. Specifically, the running annual average concentrations of fluoride were 4.1 mg/L for the third quarter of 2022, 4.3 mg/L for the fourth quarter of 2022, and 4.5 mg/L for the first quarter of 2023.		

Base Penalty	\$5,000
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>> Environmental, Property and Human Health Matrix

OR		Harm	Major	Moderate	Minor	
	Release					
	Actual		x			Percent 25.0%
	Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Exceeding the MCL for flouride caused the persons served by the Facility to be exposed to a significant amount of pollutants which do not exceed levels protective of human health.
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Adjustment	\$3,750
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	\$1,250
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Violation Events

Number of Violation Events	1	273	Number of violation days
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	daily		weekly		monthly		quarterly		semiannual		annual		single event			
											x					Violation Base Penalty \$1,250

One annual event is recommended.	
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Good Faith Efforts to Comply

	10.0%	
	Before NOE/NOV	NOE/NOV to EDP RP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		
Notes	The Respondent achieved compliance on September 1, 2023.	

Violation Subtotal	\$1,125
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$322	Statutory Limit Test	
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Violation Final Penalty Total	\$1,150
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This violation Final Assessed Penalty (adjusted for limits)	\$1,150
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Economic Benefit Worksheet

Respondent LOOP WATER SUPPLY CORPORATION
Case ID No. 64430
Reg. Ent. Reference No. RN101183036
Media Public Water Supply
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
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	30-Sep-2022	1-Sep-2023	0.92	\$15	\$307	\$322
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)				0.00	\$0	n/a	\$0
The delayed cost includes the estimated amount to investigate, identify, and implement corrective actions to return to compliance with the MCL for flouride, calculated from the last day of the first quarter of noncompliance to the date of compliance.							
Notes for DELAYED costs							

Avoided Costs

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

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

Approx. Cost of Compliance \$5,000

TOTAL \$322

Screening Date 4-Aug-2023 Respondent LOOP WATER SUPPLY CORPORATION Case ID No. 64430 Reg. Ent. Reference No. RN101183036 Media Public Water Supply Enf. Coordinator Wyatt Throm	Docket No. 2023-1033-PWS-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	3	
Rule Cite(s)		30 Tex. Admin Code § 290.117(c)(2)(C), (h), and (i)(1)
Violation Description	Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2020 through December 31, 2022 monitoring period.	

Base Penalty	\$5,000
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>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Failure to collect lead and copper tap samples could expose persons served by the Facility to undetected contaminants which could exceed levels protective of human health.
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Adjustment	\$4,250
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	\$750
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Violation Events

Number of Violation Events	1	1095	Number of violation days
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	daily						
	weekly						
	monthly						
	quarterly						
	semiannual						
	annual						
	single event	x					

One single event is recommended.	
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Good Faith Efforts to Comply

	10.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		
Notes	The Respondent achieved compliance on November 27, 2023.	

Violation Subtotal	\$675
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$156	
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Statutory Limit Test

Violation Final Penalty Total	\$690
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This violation Final Assessed Penalty (adjusted for limits)	\$690
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Economic Benefit Worksheet

Respondent LOOP WATER SUPPLY CORPORATION
Case ID No. 64430
Reg. Ent. Reference No. RN101183036
Media Public Water Supply
Violation No. 3

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)				0.00	\$0	n/a	\$0
Notes for DELAYED costs							

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	\$150	30-Sep-2022	4-Aug-2023	0.84	\$6	\$150	\$156
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
The avoided cost includes the estimated amount to collect and have analyzed the required lead and copper samples (\$30 per sample x five missed samples x one monitoring period), calculated from the last date in which sampling was required to the date of screening.							

Approx. Cost of Compliance \$150

TOTAL \$156

Screening Date 4-Aug-2023 Respondent LOOP WATER SUPPLY CORPORATION Case ID No. 64430 Reg. Ent. Reference No. RN101183036 Media Public Water Supply Enf. Coordinator Wyatt Throm	Docket No. 2023-1033-PWS-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	4	
Rule Cite(s)		30 Tex. Admin Code § 290.122(c)(2)(A) and (f)
Violation Description		Failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to collect water quality parameter samples for the July 1, 2021 through December 31, 2021 monitoring period.

Base Penalty	\$5,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> Programmatic Matrix

OR		Harm			
	Falsification	Major	Moderate	Minor	
		x			Percent 10.0%

Matrix Notes	100% of the rule requirements were not met.
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Adjustment	\$4,500
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	\$500
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Violation Events

Number of Violation Events	1	206	Number of violation days
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	daily						
	weekly						
	monthly						
	quarterly						
	semiannual						
	annual						
	single event	x					

One single event is recommended.

Good Faith Efforts to Comply

	10.0%	
		Reduction
		\$50

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary		x	
N/A			

Notes	The Respondent achieved compliance on September 9, 2023.
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Violation Subtotal	\$450
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$2	
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Statutory Limit Test

Violation Final Penalty Total	\$460
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This violation Final Assessed Penalty (adjusted for limits)	\$460
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Economic Benefit Worksheet

Respondent LOOP WATER SUPPLY CORPORATION
Case ID No. 64430
Reg. Ent. Reference No. RN101183036
Media Public Water Supply
Violation No. 4

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)	\$25	10-Jan-2022	9-Sep-2023	1.66	\$2	n/a	\$2

Notes for DELAYED costs

The Other (as needed) delayed cost includes the estimated amount to ensure that the delinquent public notification (\$25 per notification x one notification) is provided to persons served by the Facility and a copy of each public notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director, calculated from the due date of the public notification to 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

\$25

TOTAL

\$2



Compliance History Report

Compliance History Report for CN600630420, RN101183036, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator:	CN600630420, LOOP WATER SUPPLY CORPORATION	Classification:	UNCLASSIFIED	Rating:	-----
Regulated Entity:	RN101183036, LOOP WSC	Classification:	UNCLASSIFIED	Rating:	-----
Complexity Points:	0	Repeat Violator:	NO		
CH Group:	08 - Sewage Treatment Facilities				
Location:	1559 FARM-TO-MARKET ROAD 303 IN LOOP, GAINES COUNTY, TEXAS				
TCEQ Region:	REGION 07 - MIDLAND				
ID Number(s):					
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION	0830011				

Compliance History Period:	September 01, 2019 to August 31, 2024	Rating Year:	2024	Rating Date:	09/01/2024
Date Compliance History Report Prepared:	November 25, 2024				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	November 25, 2019 to November 25, 2024				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Wyatt Throm	Phone:	(512) 239-1120		

Site and Owner/Operator History:

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

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	June 11, 2021	(1710850)
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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:	03/01/2024	(1950408)	
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)		
	Description:	Failure to protect well units with an intruder-resistant fence in violation of 30 TAC 290.41(c)(3)(O). Specifically, Wells C (G0830011C) and D (G0830011D) had gates in the fencing that were not six feet or higher in height with barbed wire extending outward from the top of the fence at a 45-degree angle or in lieu of the barbed wire, an eight-foot-high fence.		

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(e)		
Description:	Failure to enclose all potable water storage tanks by an intruder-resistant fence with lockable gates in violation of 30 TAC 290.43(e). Specifically, one side of the fencing around the elevated storage tank was removed to facilitate sand removal from around the base of the tower.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(6)		
Description:	Failure to maintain all pumps, motors, valves, and other mechanical devices in good working condition, in violation of 30 TAC 290.46(m)(6). Specifically, a pump in the water treatment room was leaking.		

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 11/25/2019 and 11/25/2024

- 1 Date: 09/05/2019 (1811007)
- Self Report? NO Classification: Moderate
- Citation:
- 30 TAC Chapter 290, SubChapter F 290.117(e)
30 TAC Chapter 290, SubChapter F 290.117(h)
30 TAC Chapter 290, SubChapter F 290.117(i)(3)
- Description: LCR WQP MR 1st 6M2019 - The system failed to monitor for water quality parameters in accordance with TCEQ rules two times during the 1st 6M2019 monitoring period at entry point location 1553 RR 303: Loop (EP001) and the distribution system. ETT Point Value = 1
- 2 Date: 03/09/2020 (1811007)
- Self Report? NO Classification: Moderate
- Citation:
- 30 TAC Chapter 290, SubChapter F 290.117(e)
30 TAC Chapter 290, SubChapter F 290.117(h)
30 TAC Chapter 290, SubChapter F 290.117(i)(3)
- Description: LCR WQP MR 2nd 6M2019 - The system failed to monitor for water quality parameters in accordance with TCEQ rules two times during the 2nd 6M2019 monitoring period at entry point location 1553 RR 303: Loop (EP001) and the distribution system. ETT Point Value = 1
- 3 Date: 10/08/2020 (1811007)
- Self Report? NO Classification: Moderate
- Citation:
- 30 TAC Chapter 290, SubChapter F 290.117(e)
30 TAC Chapter 290, SubChapter F 290.117(h)
30 TAC Chapter 290, SubChapter F 290.117(i)(3)
- Description: LCR WQP MR 1st 6M2020 - The system failed to monitor for water quality parameters in accordance with TCEQ rules two times during the 1st 6M2020 monitoring period at entry point location 1553 RR 303: Loop (EP001) and the distribution system. ETT Point Value = 1
- 4 Date: 03/22/2021 (1811007)
- Self Report? NO Classification: Moderate
- Citation:
- 30 TAC Chapter 290, SubChapter F 290.117(e)
30 TAC Chapter 290, SubChapter F 290.117(h)
30 TAC Chapter 290, SubChapter F 290.117(i)(3)
- Description: LCR WQP MR 2nd 6M2020 - The system failed to monitor for water quality parameters in accordance with TCEQ rules two times during the 2nd 6M2020 monitoring period at entry point location 1553 RR 303: Loop (EP001) and the distribution system. ETT Point Value = 1
- 5 Date: 08/19/2021 (1811007)
- Self Report? NO Classification: Moderate
- Citation:
- 30 TAC Chapter 290, SubChapter F 290.117(e)
30 TAC Chapter 290, SubChapter F 290.117(h)
30 TAC Chapter 290, SubChapter F 290.117(i)(3)
- Description: LCR WQP MR 1st 6M2021 - The system failed to monitor for water quality parameters in accordance with TCEQ rules two times during the 1st 6M2021 monitoring period at entry point location 1553 RR 303: Loop (EP001) and the distribution system. ETT Point Value = 1

6	Date: 10/13/2021 (1811007)		
	Self Report? NO	Classification: Moderate	
	Citation:		
			30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) 30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
	Description:		DLQOR MR 2Q2021 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 2nd quarter of 2021 within the required timeline. ETT Point Value = 1.
7	Date: 01/05/2022 (1811007)		
	Self Report? NO	Classification: Moderate	
	Citation:		
			30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) 30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
	Description:		DLQOR MR 3Q2021 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 3rd quarter of 2021 within the required timeline. ETT Point Value = 1
8	Date: 03/03/2022 (1811007)		
	Self Report? NO	Classification: Moderate	
	Citation:		
			30 TAC Chapter 290, SubChapter F 290.117(e) 30 TAC Chapter 290, SubChapter F 290.117(h) 30 TAC Chapter 290, SubChapter F 290.117(i)(3)
	Description:		LCR WQP MR 2nd 6M2021 - The system failed to monitor for water quality parameters in accordance with TCEQ rules two times during the 2nd 6M2021 monitoring period at entry point location 1553 RR 303: Loop (EP001) and the distribution system. ETT Point Value = 1
9	Date: 03/30/2022 (1811007)		
	Self Report? NO	Classification: Moderate	
	Citation:		
			30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) 30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
	Description:		DLQOR MR 4Q2021 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 4th quarter of 2021 within the required timeline. ETT Point Value = 1
10	Date: 07/28/2022 (1917022)		
	Self Report? NO	Classification: Moderate	
	Citation:		
			30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)
	Description:		FLU MCL 3Q2022 - During the 3rd quarter of 2022 the system violated the maximum contaminant level for fluoride with a RAA of 4.1 mg/L. ETT Point Value = 5
11	Date: 12/22/2022 (1917022)		
	Self Report? NO	Classification: Moderate	
	Citation:		
			30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)
	Description:		ARS MCL 4Q2022 - During the 4th quarter of 2022 the system violated the maximum contaminant level for arsenic with a RAA of 0.012 mg/L. ETT Point Value = 5
	Self Report? NO	Classification: Moderate	
	Citation:		
			30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)
	Description:		FLU MCL 4Q2022 - During the 4th quarter of 2022 the system violated the

12 Date: 12/29/2022 (1917022)
 Self Report? NO Classification: Moderate
 Citation:
 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.117(h)
 30 TAC Chapter 290, SubChapter F 290.117(i)(1)
 Description: LCR RD MR YR2022 – The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the annual reduced monitoring period from 01/01/2022 to 12/31/2022 within the required timeline. ETT Point Value = 1;
 Lead and Copper samples collected on a reduced monitoring schedule must be collected during the months of June to September. The end date of this period is September 30th and data is due to the TCEQ 10 days following the sampling period; SAMPLES NOT COLLECTED

13 Date: 02/08/2023 (1917022)
 Self Report? NO Classification: Moderate
 Citation:
 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)
 Description: ARS MCL 1Q2023 - During the 1st quarter of 2023 the system violated the maximum contaminant level for arsenic with a RAA of 0.016 mg/L. ETT Point Value = 5

Self Report? NO Classification: Moderate
 Citation:
 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)
 Description: FLU MCL 1Q2023 - During the 1st quarter of 2023 the system violated the maximum contaminant level for fluoride with a RAA of 4.5 mg/L. ETT Point Value = 5

14 Date: 03/29/2023 (1917022)
 Self Report? NO Classification: Moderate
 Citation:
 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: LCR WQP PN 2nd 6M2022 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a water quality parameter monitoring and reporting violation for the monitoring period from 07/01/2022 to 12/31/2022 at the entry point and/or the distribution system. ETT Point Value = 1

15 Date: 06/06/2023 (1917022)
 Self Report? NO Classification: Moderate
 Citation:
 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)
 Description: ARS MCL 2Q2023 - During the 2nd quarter of 2023 the system violated the maximum contaminant level for arsenic with a RAA of 0.014 mg/L. ETT Point Value = 5

16* Date: 03/01/2024 (1950408)
 Self Report? NO Classification: Minor
 Citation:
 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)
 Description: Failure to protect well units with an intruder-resistant fence in violation of 30 TAC 290.41(c)(3)(O). Specifically, Wells C (G0830011C) and D (G0830011D) had gates in the fencing that were not six feet or higher in height with barbed wire extending outward from the top of the fence at a 45-degree angle or in

	lieu of the barbed wire, an eight-foot-high fence.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(e)		
Description:	Failure to enclose all potable water storage tanks by an intruder-resistant fence with lockable gates in violation of 30 TAC 290.43(e). Specifically, one side of the fencing around the elevated storage tank was removed to facilitate sand removal from around the base of the tower.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(6)		
Description:	Failure to maintain all pumps, motors, valves, and other mechanical devices in good working condition, in violation of 30 TAC 290.46(m)(6). Specifically, a pump in the water treatment room was leaking.		

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

Appendix B

All Investigations Conducted During Component Period November 25, 2019 and November 25, 2024

Item 1*	June 11, 2021**	(1710850)
Item 2	April 28, 2022**	(1811007)
Item 3	April 29, 2022**	(1811573)
Item 4	September 09, 2022**	(1841656)
Item 5	July 26, 2023**	(1917022)
Item 6	July 28, 2023**	(1917357)
Item 7	February 29, 2024**	(1950408)
Item 8	July 26, 2024**	(2001986)

* 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
LOOP WATER SUPPLY CORPORATION
RN101183036

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

AGREED ORDER DOCKET NO. 2023-1033-PWS-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding LOOP WATER SUPPLY CORPORATION (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 1559 Farm-to-Market Road 303 in Loop, Gaines County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 102 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 a record review for the Facility conducted on July 17, 2023 through July 28, 2023, an investigator documented that:
 - a. The running annual average concentrations of arsenic were 0.012 milligrams per liter ("mg/L") for the fourth quarter of 2022, 0.016 mg/L for the first quarter of 2023, and 0.014 mg/L for the second quarter of 2023.
 - b. The running annual average concentrations of fluoride were 4.1 mg/L for the third quarter of 2022, 4.3 mg/L for the fourth quarter of 2022, and 4.5 mg/L for the first quarter of 2023.

- c. The Respondent did not collect lead and copy tap samples at the required five sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2020 through December 31, 2022 monitoring period.
 - d. The Respondent did not provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to collect water quality parameter samples for the July 1, 2021 through December 31, 2021 monitoring period.
- 3. The Executive Director recognizes that the Respondent implemented the following corrective actions at the Facility:
 - a. By September 1, 2023, began complying with the maximum contaminant level ("MCL") of 4 mg/L for fluoride based on a running annual average;
 - b. By September 9, 2023, provided public notification and submitted a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to collect water quality parameter samples;
 - c. By November 27, 2023, collected lead and copper tap samples at the required five sample sites, have the samples analyzed, and reported the results to the Executive Director; and
 - d. By March 15, 2024, began complying with the MCL of 0.010 mg/L for arsenic based on a running annual average.

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.a, the Respondent failed to comply with the MCL of 0.010 mg/L for arsenic based on a running annual average, in violation of 30 TEX. ADMIN. CODE § 290.106(f)(3)(C) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
- 3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to comply with the MCL of 4 mg/L for fluoride based on a running annual average, in violation of 30 TEX. ADMIN. CODE § 290.106(f)(3)(C) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
- 4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed, and report the results to the Executive Director, in violation of 30 TEX. ADMIN CODE § 290.117(c)(2)(C), (h), and (i)(1).
- 5. As evidenced by Finding of Fact No. 2.d, the Respondent failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to collect water quality parameter samples, in violation of 30 TEX. ADMIN CODE § 290.122(c)(2)(A) and (f).

6. 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.
7. An administrative penalty in the amount of \$3,450 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 \$3,450 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. 7 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: LOOP WATER SUPPLY CORPORATION, Docket No. 2023-1033-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. All relief not expressly granted in this Order is denied.
3. 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 Business operations referenced in this Order.
4. 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.
5. 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.
6. 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.

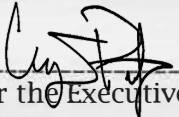
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. 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.
9. 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

3/20/2025

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:

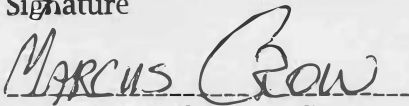
- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic 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.



Signature

3-4-25
Date



Name (Printed or typed)
Authorized Representative of
LOOP WATER SUPPLY CORPORATION

President
Title

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