

Executive Summary – Enforcement Matter – Case No. 64896
MIDWAY WATER UTILITIES, INC.
RN101265213
Docket No. 2023-1419-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:

The Cliffs, located off of State Highway 16, 0.5 miles southwest of the Brazos River bridge, Graford, Palo Pinto County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2024-0215-PWS-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 26, 2024

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 - Satisfactory

Site/RN - High

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: September 4, 2023 through September 29, 2023

Date(s) of NOE(s): September 29, 2023

Executive Summary – Enforcement Matter – Case No. 64896
MIDWAY WATER UTILITIES, INC.
RN101265213
Docket No. 2023-1419-PWS-E

Violation Information

Failed to comply with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes, based on the locational running annual average [30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 365 days, return to compliance with the maximum contaminant level for total trihalomethanes based on the locational running annual average; and
- b. Within 380 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Taner Hengst, Enforcement Division, Enforcement Team 5, MC 219, (512) 239-1143; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Jeffrey McIntyre, President, MIDWAY WATER UTILITIES, INC., 2150 Town Square Place, Suite 400, Sugar Land, Texas, 77479

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	2-Oct-2023			
	PCW	3-Oct-2023	Screening	4-Oct-2023	EPA Due 31-Dec-2023

RESPONDENT/FACILITY INFORMATION					
Respondent	MIDWAY WATER UTILITIES, INC.				
Reg. Ent. Ref. No.	RN101265213				
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Major		

CASE INFORMATION					
Enf./Case ID No.	64896	No. of Violations	1		
Docket No.	2023-1419-PWS-E	Order Type	Findings		
Media Program(s)	Public Water Supply	Government/Non-Profit	No		
Multi-Media		Enf. Coordinator	Taner Hengst		
		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	\$2,500
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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	38.0%	Adjustment	Subtotals 2, 3, & 7	\$950
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Notes	Enhancement for two NOVs with the same/similar violations, four NOVs with dissimilar violations, and one agreed order containing a denial of liability.			
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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	\$848	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$5,000	

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	

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.			
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PAYABLE PENALTY	\$3,450
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Screening Date

4-Oct-2023

Docket No.

2023-1419-PWS-E

PCW

Respondent

MIDWAY WATER UTILITIES, INC.

Case ID No.

64896

Reg. Ent. Reference No.

RN101265213

Media

Public Water Supply

Enf. Coordinator

Taner Hengst

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>)	2	10%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2)38%

>> Repeat Violator (Subtotal 3)

NoAdjustment Percentage (Subtotal 3)0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory PerformerAdjustment Percentage (Subtotal 7)0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with the same/similar violations, four NOVs with dissimilar violations, and one agreed order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)38%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%38%

Screening Date		4-Oct-2023		Docket No.		2023-1419-PWS-E		PCW	
Respondent		MIDWAY WATER UTILITIES, INC.						Policy Revision 5 (January 28, 2021)	
Case ID No.		64896						PCW Revision February 11, 2021	
Reg. Ent. Reference No.		RN101265213							
Media		Public Water Supply							
Enf. Coordinator		Taner Hengst							
Violation Number		1							
Rule Cite(s)		30 Tex. Admin. Code § 290.115(f)(1) and Tex. Health & Safety Code § 341.0315(c)							
Violation Description		Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on the locational running annual average. Specifically, the locational running annual average concentrations of TTHM for Stage 2 Disinfection Byproducts at Site 1 were 0.082 mg/L for the first quarter of 2023, 0.108 mg/L for the second quarter of 2023, and 0.104 mg/L for the third quarter of 2023.							
Base Penalty								\$5,000	
>> Environmental, Property and Human Health Matrix									
OR		Release		Harm					
			Major	Moderate	Minor				
		Actual		x		Percent 50.0%			
		Potential							
>> Programmatic Matrix									
		Falsification	Major	Moderate	Minor	Percent 0.0%			
Matrix Notes		Exceeding the MCL for TTHM caused persons served by the Facility to be exposed to a significant amount of contaminants which did not exceed levels protective of human health.							
Adjustment								\$2,500	
								\$2,500	
Violation Events									
		Number of Violation Events		1		272		Number of violation days	
		daily							
		weekly							
		monthly							
		quarterly							
		semiannual							
		annual		x		Violation Base Penalty \$2,500			
		single event							
		One annual event is recommended.							
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								\$2,500	
Economic Benefit (EB) for this violation					Statutory Limit Test				
Estimated EB Amount		\$848			Violation Final Penalty Total		\$3,450		
This violation Final Assessed Penalty (adjusted for limits)								\$3,450	

Economic Benefit Worksheet

Respondent Case ID No. MIDWAY WATER UTILITIES, INC. 64896
Reg. Ent. Reference No. RN101265213
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-Mar-2023	1-Sep-2025	2.42	\$40	\$808	\$848
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	The other (as needed) cost includes the estimated amount to investigate, identify, and implement the necessary corrective actions to return to compliance with the MCL for TTHM, calculated from the last day of the first quarter of noncompliance 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	\$5,000	TOTAL	\$848
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Compliance History Report

Compliance History Report for CN600663579, RN101265213, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN600663579, MIDWAY WATER UTILITIES, INC. **Classification:** SATISFACTORY **Rating:** 2.62

Regulated Entity: RN101265213, CLIFFS THE **Classification:** HIGH **Rating:** 0.00

Complexity Points: 3 **Repeat Violator:** NO

CH Group: 14 - Other

Location: OFF HIGHWAY 16, 0.5 MILES SOUTHWEST OF THE BRAZOS RIVER BRIDGE NEAR GRAFORD, PALO PINTO COUNTY, TEXAS

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

AIR QUALITY NON PERMITTED ID NUMBER
R04101265213

PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 67095

CLEAN WATER CERTIFICATION PROGRAM ID NUMBER
POS550

CLEAN WATER CERTIFICATION PROGRAM ID NUMBER
POS562

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
1820061

CLEAN WATER CERTIFICATION PROGRAM ID NUMBER
POS564

CLEAN WATER CERTIFICATION PROGRAM ID NUMBER
POS563

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

Date Compliance History Report Prepared: May 28, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 28, 2019 to May 28, 2024

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

Name: Taner Hengst

Phone: (512) 239-1143

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?
The Cliffs Resort, Inc. OWNER OPERATOR since 1/11/2007
Young County Butane, Inc. OWNER since 1/23/1997
Midway Water Utilities, Inc. OWNER since 11/16/2020
AC BLUFF CREEK MARINA, LLC OWNER since 12/9/2021
- 4) Who was/were the prior owner(s)/operator(s)?
AC Cliffs Marina, LLC, OWNER, 1/3/2020 to 12/8/2021
Double Diamond Utilities Co., OWNER, 10/19/2006 to 11/15/2020
Double Diamond, Inc., OWNER, 4/6/2018 to 1/3/2020

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

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

- 1 Effective Date: 05/19/2020 ADMINORDER 2019-1518-PWS-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(q)(2)
Description: Failed to institute special precautions as described in the flowchart found in 30 TEX. ADMIN. CODE § 290.47(e) in the event of low distribution pressures and water outages, in violation of 30 TEX. ADMIN. CODE §290.46(q)(2). Specifically, on August 10, 2019, a valve closure at Spyglass Drive and Heritage Drive caused water outages, and the water system did not immediately collect the required bacteriological samples after flushing the distribution system.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 2 February 02, 2021 (1700869)

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: 07/14/2023 (1930808)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
 Description: TTHM LRAA MCL 2Q2023 – During the 2nd quarter of 2023 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.108 mg/L at 160 Cliff DR, Graford (DBP2-01). ETT Point Value = 5

- 2 Date: 09/07/2023 (1936854)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(i)(4)
 5A THSC Chapter 341, SubChapter A 341.031(a)
 Description: SWTR Acute TT Violation 07/2023 – 3 day(s) with combined filter effluent turbidity readings above 1.0 NTU at SH 16 1 MI SW OF BRAZOS RIVER BRIDGE (TP18486). ETT Point Value = 10; Violation Determination Date = 07/31/2023
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(1)(B)
 5A THSC Chapter 341, SubChapter A 341.0315(c)
 Description: SWTR Non-acute TT Violation 07/2023 – 55.9 % of combined filter effluent turbidity readings for the month were above 0.3 NTU at SH 16 1 MI SW OF BRAZOS RIVER BRIDGE (TP18486). ETT Point Value = 5; Violation Determination Date = 07/31/2023

- 3 Date: 09/13/2023 (1930808)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
 Description: TTHM LRAA MCL 3Q2023 – During the 3rd quarter of 2023 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.104 mg/L at 160 Cliff DR, Graford (DBP2-01). ETT Point Value = 5

- 4 Date: 09/28/2023 (1936854)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(c)(3)(B)
 Description: SWTR Non-acute TT Violation 07/2023 – Failure to meet the minimum requirements of cryptosporidium removal in the month of 07/2023 at SH 16 1 MI SW OF BRAZOS RIVER BRIDGE (TP18486). ETT Point Value = 5; Violation Determination Date = 07/13/2023

- 5 Date: 12/08/2023 (1929719)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(r)
 Description: Failure to maintain a minimum pressure of 35 psi throughout the distribution system under normal operating conditions.
 EIC C4 MOD(2)(G)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.44(c)
 Description: Failure to provide the minimum required line size for the water main serving the employee housing area.
 EIC C4 MOD(2)(G)

- 6 Date: 12/11/2023 (1944766)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)
 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(F)
 Description: Failure to provide a minimum service pump capacity of 2.0 gpm per

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
MIDWAY WATER UTILITIES, INC.
RN101265213

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

AGREED ORDER DOCKET NO. 2023-1419-PWS-E

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

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

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located off State Highway 16, 0.5 miles southwest of the Brazos River Bridge near Graford, Palo Pinto County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 311 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 September 4, 2023 through September 29, 2023, an investigator documented that the locational running annual average concentrations of total trihalomethanes ("TTHM") for Stage 2 Disinfection Byproducts at Site 1 were 0.082 milligrams per liter ("mg/L") for the first quarter of 2023, 0.108 mg/L for the second quarter of 2023, and 0.104 mg/L for the third quarter of 2023.

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 comply with the maximum contaminant level ("MCL") of 0.080 mg/L for TTHM, based on the locational running annual average, in violation of 30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
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 \$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. 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: MIDWAY WATER UTILITIES, INC., Docket No. 2023-1419-PWS-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

2. The Respondent shall undertake the following technical requirements:
 - a. Within 365 days after the effective date of this Order, return to compliance with the MCL for TTHM, based on the locational running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.115.
 - b. Within 380 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:

Drinking Water Special Functions Section Manager
Water Supply Division, MC 155
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

7/22/2024

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.

Signature

Date

Name (Printed or typed)
Authorized Representative of
MIDWAY WATER UTILITIES, INC.

Title

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

2150 Town Square Place
Suite 400
Sugar Land, TX 77479

RECEIVED

JUN 28 2024

TCEQ MAIL CENTER
CL

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.