

**Executive Summary – Enforcement Matter – Case No. 65041**

**Undine Texas, LLC**

**RN101259885**

**Docket No. 2023-1629-PWS-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

PWS

**Small Business:**

No

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

Spring Creek Pure Utilities, 1800 Highway 59 Loop North, Livingston, Polk County

**Type of Operation:**

Public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket Nos. 2023-1405-PWS-E and 2023-0822-PWS-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

**Texas Register Publication Date:** August 16, 2024

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$8,191

**Amount Deferred for Expedited Settlement:** \$1,638

**Total Paid to General Revenue:** \$6,553

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

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - Unclassified

Site/RN - N/A

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

**Complaint Date(s):** April 20, 2022

**Complaint Information:** Alleged that the water is brown at least once a week and overall poor water quality.

**Date(s) of Investigation:** October 2, 2023

**Date(s) of NOE(s):** November 9, 2023

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**Undine Texas, LLC**

**RN101259885**

**Docket No. 2023-1629-PWS-E**

***Violation Information***

1. Failed to provide a total well production capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, the Facility had 183 connections requiring a well production capacity of 110 gpm. However, only 100 gpm of total well production capacity was provided, indicating a 10% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
2. Failed to provide two or more pumps having a total capacity of 2.0 gpm per connection at each pump station or pressure plane. Specifically, the Facility had 183 connections requiring a total service pump capacity of 366 gpm. However, only 300 gpm of total service pump capacity were provided, indicating an 18% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
3. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, the amount of each chemical used each week, the records of the date, location, and nature of water quality, pressure, or outage complaints received by the system and the results of any subsequent complaint investigations, the dates that dead-end mains were flushed, copies of any public notices issued by the water system, the disinfectant residual monitoring results from the distribution system, the calibration records for laboratory equipment, flow meters, rate-of-flow controllers, on-line turbidimeters and on-line disinfectant residual analyzers, the results of inspections for all water storage and pressure maintenance facilities, and the results of chemical analyses for arsenic were not maintained on-site for review [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(iii), (f)(3)(A)(iv), (f)(3)(B)(ii), (f)(3)(B)(iii), (f)(3)(B)(iv), (f)(3)(D)(ii), and (f)(3)(E)(ii)].
4. Failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies [30 TEX. ADMIN. CODE § 290.46(n)(2)].
5. Failed to protect all potable water storage tanks and pressure maintenance facilities in a lockable building that is designed to prevent intruder access or enclosed by an intruder-resistant fence with lockable gates. Specifically, the pressure tank was not located inside an intruder-resistant fence [30 TEX. ADMIN. CODE § 290.43(e)].
6. Failed to notify the Executive Director prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities. Specifically, the Respondent did not notify the Executive Director or gain approval prior to using an iron and manganese filtration system [30 TEX. ADMIN. CODE § 290.39(j) and TEX. HEALTH & SAFETY CODE § 341.0351].

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***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

a. Within 30 days:

i. Compile and maintain properly completed water works operation and maintenance records, including but not limited to, the amount of each chemical used each week, the records of the date, location, and nature of water quality, pressure, or outage complaints received by the system and the results of any subsequent complaint investigations, the dates that dead-end mains were flushed, copies of any public notices issued by the water system, the disinfectant residual monitoring results from the distribution system, the calibration records for laboratory equipment, flow meters, rate-of-flow controllers, on-line turbidimeters and on-line disinfectant residual analyzers, the results of inspections for all water storage and pressure maintenance facilities, and the results of chemical analyses for arsenic; and

ii. Make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.

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

c. Within 90 days, provide a lockable building that is designed to prevent intruder access or an intruder-resistant fence with a lockable gate to protect all water storage tanks and pressure maintenance facilities.

d. Within 105 days, submit written certification to demonstrate compliance with c.

e. Within 180 days:

i. Provide a total well production capacity of 0.6 gpm per connection; and

ii. Provide two or more pumps having a total capacity of 2.0 gpm per connection at each pump station or pressure plane; and

iii. Submit accurate, up-to-date, and detailed as-built plans, specifications, and engineering reports for the significant changes made to the Facility's production and treatment, including but not limited to the iron and manganese filtration system.

f. Within 195 days, submit written certification to demonstrate compliance with e.

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**Undine Texas, LLC**

**RN101259885**

**Docket No. 2023-1629-PWS-E**

g. Within 270 days, obtain approval of the as-built plans and specifications for the significant changes made to the Facility from the Executive Director.

h. Within 285 days, submit written certification to demonstrate compliance with g.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Tessa Bond, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-1269; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** William A. Thomas, Senior Vice President, Undine Texas, LLC, 17681 Telge Road, Cypress, Texas 77429

Carey Thomas, Vice President, Undine Texas, LLC, 17681 Telge Road, Cypress, Texas 77429

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	13-Nov-2023	<b>Screening</b>	21-Nov-2023	<b>EPA Due</b>	
	<b>PCW</b>	21-Nov-2023				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Undine Texas, LLC
<b>Reg. Ent. Ref. No.</b>	RN101259885
<b>Facility/Site Region</b>	10-Beaumont
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	65041	<b>No. of Violations</b>	6
<b>Docket No.</b>	2023-1629-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Tessa Bond
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$6,450</b>
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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>	<b>27.0%</b> Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$1,741</b>
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Notes: Enhancement for one NOV with similar violations, one NOV with dissimilar violations, and one agreed order containing a denial of liability.

<b>Culpability</b>	No	<b>0.0%</b> Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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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>	<b>\$0</b>
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<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$3,635  
 Estimated Cost of Compliance: \$15,300  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$8,191</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b> Adjustment	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$8,191</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$8,191</b>
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<b>DEFERRAL</b>	<b>20.0%</b> Reduction	<b>Adjustment</b>	<b>-\$1,638</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$6,553</b>
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**Screening Date** 21-Nov-2023

**Docket No.** 2023-1629-PWS-E

**PCW**

**Respondent** Undine Texas, LLC

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 65041

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN101259885

**Media** Public Water Supply

**Enf. Coordinator** Tessa Bond

### 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> )	1	5%
	Other written NOVs	1	2%
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)** 27%

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

N/A

**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 similar violations, one NOV with dissimilar violations, and one agreed order containing a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 27%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 27%

**Screening Date** 21-Nov-2023  
**Respondent** Undine Texas, LLC  
**Case ID No.** 65041  
**Reg. Ent. Reference No.** RN101259885  
**Media** Public Water Supply  
**Enf. Coordinator** Tessa Bond

**Docket No.** 2023-1629-PWS-E

**PCW**

*Policy Revision 5 (January 28, 2021)*

*PCW Revision February 11, 2021*

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code § 290.45(b)(1)(C)(i) and Tex. Health & Safety Code § 341.0315(c)

**Violation Description** Failed to provide a total well production capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, the Facility had 183 connections requiring a well production capacity of 110 gpm. However, only 100 gpm of total well production capacity was provided, indicating a 10% deficiency.

**Base Penalty** \$5,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				7.0%
	Potential			x	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

**Matrix Notes** Failure to provide adequate well production capacity could expose persons served by the Facility to an insignificant amount of contaminants that would not exceed levels that are protective of human health.

**Adjustment** \$4,650

\$350

**Violation Events**

Number of Violation Events: 1      50 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$350

One single 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** \$350

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

**Statutory Limit Test**

**Estimated EB Amount** \$1,358

**Violation Final Penalty Total** \$445

**This violation Final Assessed Penalty (adjusted for limits)** \$445

# Economic Benefit Worksheet

**Respondent** Undine Texas, LLC  
**Case ID No.** 65041  
**Reg. Ent. Reference No.** RN101259885  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$5,000	21-Jun-2021	7-May-2025	3.88	\$65	\$1,293	\$1,358
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
<b>Notes for DELAYED costs</b>	The delayed cost includes the estimated amount to provide a total well production capacity of 0.6 gpm per connection, calculated from the date of the investigation initially documenting the violation 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
<b>ONE-TIME avoided costs</b>				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
<b>Notes for AVOIDED costs</b>							

<b>Approx. Cost of Compliance</b>	\$5,000	<b>TOTAL</b>	\$1,358
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**Screening Date** 21-Nov-2023 **Docket No.** 2023-1629-PWS-E **PCW**  
**Respondent** Undine Texas, LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 65041 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN101259885  
**Media** Public Water Supply  
**Enf. Coordinator** Tessa Bond

**Violation Number** 2  
**Rule Cite(s)** 30 Tex. Admin. Code § 290.45(b)(1)(C)(iii) and Tex. Health & Safety Code § 341.0315(c)  
**Violation Description** Failed to provide two or more pumps having a total capacity of 2.0 gpm per connection at each pump station or pressure plane. Specifically, the Facility had 183 connections requiring a total service pump capacity of 366 gpm. However, only 300 gpm of total service pump capacity were provided, indicating an 18% deficiency.

**Base Penalty** \$5,000

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

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

**Matrix Notes** Failure to provide adequate service pump capacity could result in water outages and low pressure problems, exposing persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

**Adjustment** \$4,250

\$750

**Violation Events**

Number of Violation Events 1 50 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$750

One quarterly event is recommended, calculated from the October 2, 2023 investigation date to the November 21, 2023 screening date.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

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

**Notes** The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$750

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$1,358 **Violation Final Penalty Total** \$953

**This violation Final Assessed Penalty (adjusted for limits)** \$953

## Economic Benefit Worksheet

**Respondent** Undine Texas, LLC  
**Case ID No.** 65041  
**Reg. Ent. Reference No.** RN101259885  
**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)				0.00	\$0	\$0	\$0
Engineering/Construction	\$5,000	21-Jun-2021	7-May-2025	3.88	\$65	\$1,293	\$1,358
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
<b>Notes for DELAYED costs</b>	The delayed cost includes the estimated amount to provide two or more service pumps with a total capacity of at least 2.0 gpm per connection, calculated from the date of the investigation initially documenting the violation 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
<b>Notes for AVOIDED costs</b>							

<b>Approx. Cost of Compliance</b>	\$5,000	<b>TOTAL</b>	\$1,358
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**Screening Date** 21-Nov-2023 **Docket No.** 2023-1629-PWS-E **PCW**  
**Respondent** Undine Texas, LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 65041 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN101259885  
**Media** Public Water Supply  
**Enf. Coordinator** Tessa Bond

**Violation Number** 3  
**Rule Cite(s)** 30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(iii), (f)(3)(A)(iv), (f)(3)(B)(ii), (f)(3)(B)(iii), (f)(3)(B)(iv), (f)(3)(D)(ii), and (f)(3)(E)(ii)

**Violation Description** Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, the amount of each chemical used each week, the records of the date, location, and nature of water quality, pressure, or outage complaints received by the system and the results of any subsequent complaint investigations, the dates that dead-end mains were flushed, copies of any public notices issued by the water system, the disinfectant residual monitoring results from the distribution system, the calibration records for laboratory equipment, flow meters, rate-of-flow controllers, on-line turbidimeters and on-line disinfectant residual analyzers, the results of inspections for all water storage and pressure maintenance facilities, and the results of chemical analyses for arsenic were not maintained on-site for review.

**Base Penalty** \$5,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0.0%
Potential					

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
			x		7.0%

**Matrix Notes** Between 30% and 70% of the rule requirements were not met.

**Adjustment** \$4,650

\$350

**Violation Events**

Number of Violation Events 1 50 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$350

One single 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** \$350

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$18 **Violation Final Penalty Total** \$445

**This violation Final Assessed Penalty (adjusted for limits)** \$445

## Economic Benefit Worksheet

**Respondent** Undine Texas, LLC  
**Case ID No.** 65041  
**Reg. Ent. Reference No.** RN101259885  
**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	\$120	2-Jan-2022	10-Dec-2024	2.94	\$18	n/a	\$18
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
<b>Notes for DELAYED costs</b>	The record keeping system delayed cost includes the estimated amount to maintain water works operation and maintenance records and make them readily available for inspection upon request by agency personnel, calculated from the date of the investigation initially documenting the violation 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
<b>ONE-TIME avoided costs</b>				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
<b>Notes for AVOIDED costs</b>							

Approx. Cost of Compliance \$120

**TOTAL** \$18

**Screening Date** 21-Nov-2023 **Docket No.** 2023-1629-PWS-E **PCW**  
**Respondent** Undine Texas, LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 65041 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN101259885  
**Media** Public Water Supply  
**Enf. Coordinator** Tessa Bond

**Violation Number** 4  
**Rule Cite(s)** 30 Tex. Admin. Code § 290.46(n)(2)  
**Violation Description** Failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.

**Base Penalty** \$5,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

**>> Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			x		
100% of the rule requirements were not met.					

**Adjustment** \$4,000

\$1,000

**Violation Events**

Number of Violation Events 1 50 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$1,000

One single event is recommended.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

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

Notes: The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$1,000

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$26 **Violation Final Penalty Total** \$1,270

**This violation Final Assessed Penalty (adjusted for limits)** \$1,270

## Economic Benefit Worksheet

**Respondent** Undine Texas, LLC  
**Case ID No.** 65041  
**Reg. Ent. Reference No.** RN101259885  
**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)	\$180	2-Jan-2022	10-Dec-2024	2.94	\$26	n/a	\$26

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, calculated from the date of the investigation initially documenting the violation 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

\$180

**TOTAL**

\$26

**Screening Date** 21-Nov-2023 **Docket No.** 2023-1629-PWS-E **PCW**  
**Respondent** Undine Texas, LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 65041 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN101259885  
**Media** Public Water Supply  
**Enf. Coordinator** Tessa Bond

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual	<input type="text"/>	<input type="text"/>	
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>		

**>> Programmatic Matrix**

Falsification	Harm			Percent
	Major	Moderate	Minor	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/NOV to EDRP/ Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>

**Notes**

**Violation Subtotal**

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount**  **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Undine Texas, LLC  
**Case ID No.** 65041  
**Reg. Ent. Reference No.** RN101259885  
**Media** Public Water Supply  
**Violation No.** 5

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)	\$2,000	6-May-2022	9-Feb-2025	2.77	\$18	\$369	\$387
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
<b>Notes for DELAYED costs</b>	The delayed cost includes the estimated amount to provide a lockable building or intruder-resistant fence for the pressure tank, calculated from the date of the investigation initially documenting the violation 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
<b>ONE-TIME avoided costs</b>				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
<b>Notes for AVOIDED costs</b>							

<b>Approx. Cost of Compliance</b>	\$2,000	<b>TOTAL</b>	\$387
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**Screening Date** 21-Nov-2023 **Docket No.** 2023-1629-PWS-E **PCW**  
**Respondent** Undine Texas, LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 65041 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN101259885  
**Media** Public Water Supply  
**Enf. Coordinator** Tessa Bond

**Violation Number** 6  
**Rule Cite(s)** 30 Tex. Admin. Code § 290.39(j) and Tex. Health & Safety Code § 341.0351  
**Violation Description** Failed to notify the Executive Director prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities. Specifically, the Respondent did not notify the Executive Director or gain approval prior to using an iron and manganese filtration system.

**Base Penalty** \$5,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
		x			20.0%

**Matrix Notes** 100% of the rule requirements were not met.

**Adjustment** \$4,000

\$1,000

**Violation Events**

Number of Violation Events 1 50 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$1,000

One single event is recommended.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

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

**Notes** The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$1,000

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$488 **Violation Final Penalty Total** \$1,270

**This violation Final Assessed Penalty (adjusted for limits)** \$1,270

## Economic Benefit Worksheet

**Respondent** Undine Texas, LLC  
**Case ID No.** 65041  
**Reg. Ent. Reference No.** RN101259885  
**Media** Public Water Supply  
**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

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

### 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)	\$3,000	6-May-2022	5-Aug-2025	3.25	\$488	n/a	\$488

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to notify and receive approval from the Executive Director for the significant changes to the water system, calculated from the date of the investigation initially documenting the violation 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

\$3,000

**TOTAL**

\$488

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

Compliance History Report for CN605397827, RN101259885, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

**Customer, Respondent, or Owner/Operator:** CN605397827, Undine Texas, LLC      **Classification:** UNCLASSIFIED      **Rating:** -----

**Regulated Entity:** RN101259885, SPRING CREEK PURE UTILITIES      **Classification:** NOT APPLICABLE      **Rating:** N/A

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

**CH Group:** 14 - Other

**Location:** 1800 HIGHWAY 59 LOOP NORTH NEAR LIVINGSTON, POLK COUNTY, TEXAS

**TCEQ Region:** REGION 10 - BEAUMONT

**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION**  
1870149

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

**Date Compliance History Report Prepared:** May 21, 2024

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** May 21, 2019 to May 21, 2024

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Tessa Bond      **Phone:** (512) 239-1269

## Site and Owner/Operator History:

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

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

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

- 1      Effective Date: 10/08/2019      ADMINORDER 2019-0240-PWS-E (1660 Order-Agreed Order With Denial)  
Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter F 290.118(b)  
Description: Failed to comply with the maximum secondary constituent level ("MSCL") for manganese of 0.05 milligrams per liter ("mg/L"). Specifically, the manganese levels at the entry point, the end of Coway Road, the end of Highway 190 near Church on the Lake, the end of Northridge Park, and the end of Southcrest Court were 0.143 mg/L, 0.074 mg/L, 0.126 mg/L, 0.054 mg/L, and 0.160 mg/L, respectively.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.39(l)(5)  
Description: Failed to meet the conditions for an issued exception to provide innovative/alternative treatment, dated September 26, 2014. Specifically, the water system was alternating between using Layne RT arsenic adsorption media and Purolite FerrixA33E arsenic adsorption media for the treatment of arsenic. However, the exception only allows for Layne RT adsorption media to be used unless additional conditions are met.

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

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

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

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

- 1 Date: 08/17/2023 (1929663)  
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 0.028 mg/L. ETT Point Value = 5
- 2 Date: 05/10/2024 (1973628)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(C)(i)  
Description: Failure by Undine Texas LLC - Spring Creek Pure Utilities to have operating records accessible for review upon request.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(m)  
Description: Failure by Undine Texas LLC - Spring Creek Pure Utilities to maintain an intruder-resistant fence.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)(I)  
Description: Failure by Undine Texas LLC - Spring Creek Pure Utilities to provide adequate containment facilities for all liquid chemical storage tanks.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)  
Description: Failure by Undine Texas LLC - Spring Creek Pure Utilities to maintain wellheads in a way to prevent the possibility of contaminating the well water.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(Q)  
Description: Failure by Undine Texas LLC - Spring Creek Pure Utilities to have an air release device covered with 16-mesh or finer, corrosion-resistant screening material.

**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  
UNDINE TEXAS, LLC  
RN101259885

§           BEFORE THE  
§           TEXAS COMMISSION ON  
§           ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2023-1629-PWS-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 Undine Texas, LLC (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 together stipulate that:

1. The Respondent owns and operates a public water supply located at 1800 Highway 59 Loop North near Livingston, Polk County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 183 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. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE § 7.002 and TEX. HEALTH & SAFETY CODE § 341.049, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 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 \$8,191 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$6,553 of the penalty and \$1,638 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.

## II. ALLEGATIONS

During an investigation for the Facility conducted on October 2, 2023, an investigator documented that the Respondent:

1. Failed to provide a total well production capacity of 0.6 gallons per minute ("gpm") per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Facility had 183 connections requiring a well production capacity of 110 gpm. However, only 100 gpm of total well production capacity was provided, indicating a 10% deficiency.
2. Failed to provide two or more pumps having a total capacity of 2.0 gpm per connection at each pump station or pressure plane, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Facility had 183 connections requiring a total service pump capacity of 366 gpm. However, only 300 gpm of total service pump capacity were provided, indicating an 18% deficiency.
3. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(iii), (f)(3)(A)(iv), (f)(3)(B)(ii), (f)(3)(B)(iii), (f)(3)(B)(iv), (f)(3)(D)(ii), and (f)(3)(E)(ii). Specifically, the amount of each chemical used each week, the records of the date, location, and nature of water quality, pressure, or outage complaints received by the system and the results of any subsequent complaint investigations, the dates that dead-end mains were flushed, copies of any public notices issued by the water system, the disinfectant residual monitoring results from the distribution system, the calibration records for laboratory equipment, flow meters, rate-of-flow controllers, on-line turbidimeters and on-line disinfectant residual analyzers, the results of inspections for all water storage and pressure maintenance facilities, and the results of chemical analyses for arsenic were not maintained on-site for review.
4. Failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(2).

5. Failed to protect all potable water storage tanks and pressure maintenance facilities in a lockable building that is designed to prevent intruder access or enclosed by an intruder-resistant fence with lockable gates, in violation of 30 TEX. ADMIN. CODE § 290.43(e). Specifically, the pressure tank was not located inside an intruder-resistant fence.
6. Failed to notify the Executive Director prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities, in violation of 30 TEX. ADMIN. CODE § 290.39(j) and TEX. HEALTH & SAFETY CODE § 341.0351. Specifically, the Respondent did not notify the Executive Director or gain approval prior to using an iron and manganese filtration system.

### 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: Undine Texas, LLC, Docket No. 2023-1629-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 30 days after the effective date of this Order:
    - i. Compile and maintain properly completed water works operation and maintenance records, including but not limited to, the amount of each chemical used each week, the records of the date, location, and nature of water quality, pressure, or outage complaints received by the system and the results of any subsequent complaint investigations, the dates that dead-end mains were flushed, copies of any public notices issued by the water system, the disinfectant residual monitoring results from the distribution system, the calibration records for laboratory equipment, flow meters, rate-of-flow controllers, on-line turbidimeters and on-line disinfectant residual analyzers, the results of inspections for all water storage and pressure maintenance facilities, and the results of chemical analyses for arsenic, in accordance with 30 TEX. ADMIN CODE § 290.46; and
    - ii. Make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, in accordance with 30 TEX. ADMIN CODE § 290.46;

- b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i and 2.a.ii.
- c. Within 90 days after the effective date of this Order, provide a lockable building that is designed to prevent intruder access or an intruder-resistant fence with a lockable gate to protect all water storage tanks and pressure maintenance facilities, in accordance with 30 TEX. ADMIN CODE § 290.43.
- d. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.
- e. Within 180 days after the effective date of this Order:
  - i. Provide a total well production capacity of 0.6 gpm per connection, in accordance with 30 TEX. ADMIN CODE § 290.45; and
  - ii. Provide two or more pumps having a total capacity of 2.0 gpm per connection at each pump station or pressure plane, in accordance with 30 TEX. ADMIN CODE § 290.45; and
  - iii. Submit accurate, up-to-date, and detailed as-built plans, specifications, and engineering reports for the significant changes made to the Facility's production and treatment, including but not limited to the iron and manganese filtration system, in accordance with 30 TEX. ADMIN CODE § 290.39. The plans, specifications, and reports shall be submitted to:

Plan Review Team  
Water Supply Division, MC 159  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087
- f. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning plans and specifications within 15 days after the date of such requests, or by any other deadline specified in writing.
- f. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.e.i through 2.e.iii.
- g. Within 270 days after the effective date of this Order, obtain approval of the as-built plans and specifications for the significant changes made to the Facility from the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.39.



- h. Within 285 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.g. 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

-----  
Date

-----  
For the Executive Director

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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

William A Thomas

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Name (Printed or typed)  
Authorized Representative of  
Undine Texas, LLC

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7/16/2024

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Title

Sr. VP

*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.