

Executive Summary – Enforcement Matter – Case No. 65200

Undine Texas, LLC

RN101241255

Docket No. 2023-1798-PWS-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

Bayridge Subdivision Water System, 7919 Bayridge, Baytown, Chambers 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: March 7, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$15,138

Amount Deferred for Expedited Settlement: \$3,027

Total Paid to General Revenue: \$12,111

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): N/A

Complaint Information: N/A

Date(s) of Investigation: September 14, 2023

Date(s) of NOE(s): November 16, 2023

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Undine Texas, LLC

RN101241255

Docket No. 2023-1798-PWS-E

Violation Information

1. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, the records of the results of inspections for all water storage and pressure maintenance facilities were not maintained on-site for review [30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(D)(ii)].
2. Failed to provide adequate containment for all liquid chemical storage tanks. Specifically, the polyphosphate container did not have secondary containment [30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii)(I)].
3. Failed to provide a well capacity of 0.6 gallon per minute ("gpm") per connection. Specifically, the Facility had 78 connections requiring 47 gpm of well capacity. However, the Facility provided 40 gpm of well capacity, indicating a 15% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
4. Failed to provide the minimum total storage capacity. Specifically, in a letter dated August 13, 2018, the Facility was granted an alternative capacity requirement for total storage capacity of 83 gallons per connection. The Facility had 78 connections requiring a total storage capacity of 6,474 gallons. However, zero gallons of total storage capacity were provided, indicating a 100% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
5. Failed to maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the Facility is decommissioned [30 TEX. ADMIN. CODE § 290.46(n)(1)].
6. Failed to keep on file copies of well completion data as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A) for as long as the well remains in service [30 TEX. ADMIN. CODE § 290.46(n)(3)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:

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Undine Texas, LLC

RN101241255

Docket No. 2023-1798-PWS-E

- i. Compile and maintain properly completed water works operation and maintenance records, including but not limited to the results of inspections for all water storage and pressure maintenance facilities; and
- ii. Provide adequate containment facilities for the polyphosphate container.
- b. Within 45 days, submit written certification to demonstrate compliance with a.
- c. Within 90 days:
 - i. Keep on file copies of well completion data for the well; and
 - ii. Compile and maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank.
- d. Within 105 days, submit written certification to demonstrate compliance with c.
- e. Within 180 days:
 - i. Provide a well capacity of at least 0.6 gpm per connection; and
 - ii. Provide a total storage capacity of at least 83 gallons per connection.
- f. Within 195 days, submit written certification to demonstrate compliance with e.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Kaisie Hubschmidt, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-1482; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Edward R. Wallace, President, Undine Texas, LLC, 17681 Telge Road, Cypress, Texas 77429

Carey A. Thomas, Senior 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

| | | | | | | |
|--------------|-----------------|-------------|------------------|-------------|----------------|--|
| DATES | Assigned | 27-Dec-2023 | Screening | 27-Dec-2023 | EPA Due | |
| | PCW | 27-Dec-2023 | | | | |

RESPONDENT/FACILITY INFORMATION

| | |
|-----------------------------|-------------------|
| Respondent | Undine Texas, LLC |
| Reg. Ent. Ref. No. | RN101241255 |
| Facility/Site Region | 12-Houston |
| Major/Minor Source | Major |

CASE INFORMATION

| | | | |
|--|---------------------|------------------------------|--------------------|
| Enf./Case ID No. | 65200 | No. of Violations | 6 |
| Docket No. | 2023-1798-PWS-E | Order Type | 1660 |
| Media Program(s) | Public Water Supply | Government/Non-Profit | No |
| Multi-Media | | Enf. Coordinator | Kaisie Hubschmitt |
| | | 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 | \$11,050 |
|---|-------------------|----------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | | |
|---------------------------|--------------|-------------------|--------------------------------|---------|
| Compliance History | 37.0% | Adjustment | Subtotals 2, 3, & 7 | \$4,088 |
|---------------------------|--------------|-------------------|--------------------------------|---------|

| | |
|--------------|---|
| Notes | Enhancement for two agreed orders containing a denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure of violations. |
|--------------|---|

| | | | | | |
|--------------------|----|-------------|--------------------|-------------------|-----|
| Culpability | No | 0.0% | Enhancement | Subtotal 4 | \$0 |
|--------------------|----|-------------|--------------------|-------------------|-----|

| | |
|--------------|--|
| Notes | The Respondent does not meet the culpability criteria. |
|--------------|--|

| | | |
|--|-------------------|-----|
| Good Faith Effort to Comply Total Adjustments | Subtotal 5 | \$0 |
|--|-------------------|-----|

| | | | | |
|-------------------------|-------------|---------------------|-------------------|-----|
| Economic Benefit | 0.0% | Enhancement* | Subtotal 6 | \$0 |
|-------------------------|-------------|---------------------|-------------------|-----|

| | |
|------------------------------|----------|
| Total EB Amounts | \$2,361 |
| Estimated Cost of Compliance | \$19,824 |

*Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|----------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$15,138 |
|-----------------------------|-----------------------|----------|

| | | | |
|---|-------------|-------------------|-----|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 0.0% | Adjustment | \$0 |
|---|-------------|-------------------|-----|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

| | |
|-----------------------------|----------|
| Final Penalty Amount | \$15,138 |
|-----------------------------|----------|

| | | |
|-----------------------------------|-------------------------------|----------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$15,138 |
|-----------------------------------|-------------------------------|----------|

| | | | | |
|-----------------|--------------|------------------|-------------------|----------|
| DEFERRAL | 20.0% | Reduction | Adjustment | -\$3,027 |
|-----------------|--------------|------------------|-------------------|----------|

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

| | |
|------------------------|----------|
| PAYABLE PENALTY | \$12,111 |
|------------------------|----------|

| | | | | |
|--------------------------------|---------------------|-------------------|-----------------|------------|
| Screening Date | 27-Dec-2023 | Docket No. | 2023-1798-PWS-E | PCW |
| Respondent | Undine Texas, LLC | | | |
| Case ID No. | 65200 | | | |
| Reg. Ent. Reference No. | RN101241255 | | | |
| Media | Public Water Supply | | | |
| Enf. Coordinator | Kaisie Hubschmitt | | | |

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component | Number of... | Number | Adjust. |
|-------------------------------|--|--------|---------|
| NOVs | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>) | 0 | 0% |
| | Other written NOVs | 0 | 0% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 2 | 40% |
| | 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>) | 1 | -1% |
| | 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>) | 1 | -2% |
| 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) 37%

>> 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 two agreed orders containing a denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 37%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 37%

| | | | | | |
|---|----------------------|---|-------------|--|---------------------|
| Screening Date 27-Dec-2023 Respondent Undine Texas, LLC Case ID No. 65200 Reg. Ent. Reference No. RN101241255 Media Public Water Supply Enf. Coordinator Kaisie Hubschmitt | | Docket No. 2023-1798-PWS-E | | PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i> | |
| Violation Number 1 | | | | | |
| Rule Cite(s) | | 30 Tex. Admin. Code § 290.46(f)(2) and (f)(3)(D)(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 records of the results of inspections for all water storage and pressure maintenance facilities were not maintained on-site for review. | | | |
| | | Base Penalty | | \$5,000 | |
| >> Environmental, Property and Human Health Matrix | | | | | |
| OR | Release | | Harm | | Percent 0.0% |
| | Major Moderate Minor | | | | |
| | Actual Potential | | | | |
| >> Programmatic Matrix | | | | | |
| | | Falsification Major Moderate Minor | | Percent 1.0% | |
| Matrix Notes | | Less than 30% of the rule requirements were not met. | | | |
| | | Adjustment | | \$4,950 | |
| | | | | \$50 | |
| Violation Events | | | | | |
| Number of Violation Events | | 1 | | 104 Number of violation days | |
| daily weekly monthly quarterly semiannual annual single event | | <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> x | | Violation Base Penalty \$50 | |
| | | 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 | | <input type="text"/> <input type="text"/> x | | | |
| Notes | | The Respondent does not meet the good faith criteria for this violation. | | | |
| | | Violation Subtotal | | \$50 | |
| Economic Benefit (EB) for this violation | | Statutory Limit Test | | | |
| Estimated EB Amount | | \$3 | | Violation Final Penalty Total \$69 | |
| | | This violation Final Assessed Penalty (adjusted for limits) | | \$69 | |

Economic Benefit Worksheet

Respondent Undine Texas, LLC
Case ID No. 65200
Reg. Ent. Reference No. RN101241255
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 |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

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 | \$45 | 14-Sep-2023 | 6-Jan-2025 | 1.32 | \$3 | n/a | \$3 |
| 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 delayed cost includes the estimated amount to maintain water system operation and maintenance records and make them readily available for review for the Executive Director, calculated from the date of the investigation to the estimated date of compliance. | | | | | | | |

Avoided Costs

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

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

Approx. Cost of Compliance \$45

TOTAL \$3

| | | |
|---|-----------------------------------|--|
| Screening Date 27-Dec-2023 Respondent Undine Texas, LLC Case ID No. 65200 Reg. Ent. Reference No. RN101241255 Media Public Water Supply Enf. Coordinator Kaisie Hubschmitt | Docket No. 2023-1798-PWS-E | PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i> |
|---|-----------------------------------|--|

| | | |
|------------------------------|---|--|
| Violation Number | 2 | |
| Rule Cite(s) | | 30 Tex. Admin. Code § 290.42(f)(1)(E)(ii)(I) |
| Violation Description | Failed to provide adequate containment for all liquid chemical storage tanks. Specifically, the polyphosphate container did not have secondary containment. | |

| | |
|---------------------|---------|
| Base Penalty | \$5,000 |
|---------------------|---------|

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

| | | | | | |
|---------------------|--|----------------------|----------|-------|---------------------|
| Matrix Notes | | Falsification | | | |
| | | Major | Moderate | Minor | |
| | | | | | |
| | | | | | Percent 0.0% |

Failure to provide adequate containment for the polyphosphate container could expose employees or the environment to a significant amount of contaminants which would not exceed levels protective of human health or environmental receptors.

| | |
|-------------------|---------|
| Adjustment | \$4,250 |
|-------------------|---------|

| | |
|--|-------|
| | \$750 |
|--|-------|

Violation Events

| | | | |
|----------------------------|---|-----|--------------------------|
| Number of Violation Events | 2 | 104 | Number of violation days |
|----------------------------|---|-----|--------------------------|

| | | | | | | | |
|--------------|--|---|--|--|--|--|--|
| | | | | | | | |
| daily | | | | | | | |
| weekly | | | | | | | |
| monthly | | | | | | | |
| quarterly | | x | | | | | |
| semiannual | | | | | | | |
| annual | | | | | | | |
| single event | | | | | | | |

| | |
|-------------------------------|---------|
| Violation Base Penalty | \$1,500 |
|-------------------------------|---------|

Two quarterly events are recommended, calculated from the September 14, 2023 investigation date to the December 27, 2023 screening date.

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 | \$1,500 |
|---------------------------|---------|

Economic Benefit (EB) for this violation

| | | |
|----------------------------|------|-----------------------------|
| Estimated EB Amount | \$46 | Statutory Limit Test |
|----------------------------|------|-----------------------------|

| | |
|--------------------------------------|---------|
| Violation Final Penalty Total | \$2,055 |
|--------------------------------------|---------|

| | |
|--|---------|
| This violation Final Assessed Penalty (adjusted for limits) | \$2,055 |
|--|---------|

Economic Benefit Worksheet

Respondent Undine Texas, LLC
Case ID No. 65200
Reg. Ent. Reference No. RN101241255
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 |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

Delayed Costs

| | | | | | | | |
|--------------------------|--|-------------|------------|------|-----|------|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$500 | 14-Sep-2023 | 6-Jan-2025 | 1.32 | \$2 | \$44 | \$46 |
| 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 delayed cost includes the estimated amount to provide adequate containment facilities for the polyphosphate container, calculated from the investigation date 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 \$500

TOTAL \$46

| | | |
|---|-----------------------------------|--|
| Screening Date 27-Dec-2023 Respondent Undine Texas, LLC Case ID No. 65200 Reg. Ent. Reference No. RN101241255 Media Public Water Supply Enf. Coordinator Kaisie Hubschmitt | Docket No. 2023-1798-PWS-E | PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i> |
|---|-----------------------------------|--|

| | | | |
|------------------------------|--|--|--|
| Violation Number | 3 | 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 well capacity of 0.6 gallon per minute ("gpm") per connection. Specifically, the Facility had 78 connections requiring 47 gpm of well capacity. However, the Facility provided 40 gpm of well capacity, indicating a 15% deficiency. | | |

| | |
|---------------------|---------|
| Base Penalty | \$5,000 |
|---------------------|---------|

>> 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 provide adequate well capacity could result in 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 | 2 | 104 | Number of violation days |
|----------------------------|---|-----|--------------------------|

| | | | | | | | |
|--|--------------|---|--|--|--|--|--|
| | daily | | | | | | |
| | weekly | | | | | | |
| | monthly | | | | | | |
| | quarterly | x | | | | | |
| | semiannual | | | | | | |
| | annual | | | | | | |
| | single event | | | | | | |

| | |
|-------------------------------|---------|
| Violation Base Penalty | \$1,500 |
|-------------------------------|---------|

| | |
|--|--|
| Two quarterly events are recommended, calculated from the September 14, 2023 investigation date to the December 27, 2023 screening date. | |
|--|--|

Good Faith Efforts to Comply

| | | |
|---------------|--|-----------------------------------|
| | 0.0% | |
| | 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 | \$1,500 |
|---------------------------|---------|

Economic Benefit (EB) for this violation

| | | | |
|----------------------------|-------|-----------------------------|--|
| Estimated EB Amount | \$604 | Statutory Limit Test | |
|----------------------------|-------|-----------------------------|--|

| | |
|--------------------------------------|---------|
| Violation Final Penalty Total | \$2,055 |
|--------------------------------------|---------|

| | |
|--|---------|
| This violation Final Assessed Penalty (adjusted for limits) | \$2,055 |
|--|---------|

Economic Benefit Worksheet

Respondent Undine Texas, LLC
Case ID No. 65200
Reg. Ent. Reference No. RN101241255
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 |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

Delayed Costs

| | | | | | | | |
|--------------------------|--|-------------|------------|------|------|-------|-------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$5,000 | 14-Sep-2023 | 5-Jun-2025 | 1.73 | \$29 | \$575 | \$604 |
| 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 delayed cost includes the estimated amount to provide a well capacity of at least 0.6 gpm per connection, calculated from the date of the investigation to the estimated date of compliance. | | | | | | |

Avoided Costs

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

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

| | | | |
|----------------------------|---------|--------------|-------|
| Approx. Cost of Compliance | \$5,000 | TOTAL | \$604 |
|----------------------------|---------|--------------|-------|

| | | |
|---|-----------------------------------|--|
| Screening Date 27-Dec-2023 Respondent Undine Texas, LLC Case ID No. 65200 Reg. Ent. Reference No. RN101241255 Media Public Water Supply Enf. Coordinator Kaisie Hubschmitt | Docket No. 2023-1798-PWS-E | PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i> |
|---|-----------------------------------|--|

| | | | |
|------------------------------|--|--|---|
| Violation Number | 4 | | Rule Cite(s) |
| | | | 30 Tex. Admin. Code § 290.45(b)(1)(C)(ii) and Tex. Health & Safety Code § 341.0315(c) |
| Violation Description | Failed to provide the minimum total storage capacity. Specifically, in a letter dated August 13, 2018, the Facility was granted an alternative capacity requirement for total storage capacity of 83 gallons per connection. The Facility had 78 connections requiring a total storage capacity of 6,474 gallons. However, zero gallons of total storage capacity were provided, indicating a 100% deficiency. | | |

| | |
|---------------------|---------|
| Base Penalty | \$5,000 |
|---------------------|---------|

>> Environmental, Property and Human Health Matrix

| | | | | | | |
|-----------|----------------|-------|----------|-------|----------------|-------|
| OR | Harm | | | | | |
| | Release | Major | Moderate | Minor | | |
| | Actual | | | | | |
| | Potential | x | | | | |
| | | | | | Percent | 30.0% |

>> Programmatic Matrix

| | | | | | | |
|--|----------------------|----------|-------|--|----------------|------|
| | Falsification | | | | | |
| | Major | Moderate | Minor | | | |
| | | | | | | |
| | | | | | | |
| | | | | | Percent | 0.0% |

| | |
|--------------|--|
| Matrix Notes | Failure to provide adequate storage capacity could expose persons served by the Facility to contaminants which would exceed levels protective of human health. |
|--------------|--|

| | |
|-------------------|---------|
| Adjustment | \$3,500 |
|-------------------|---------|

| | |
|--|---------|
| | \$1,500 |
|--|---------|

Violation Events

| | | | | |
|----------------------------|---|--|-----|--------------------------|
| Number of Violation Events | 4 | | 104 | Number of violation days |
|----------------------------|---|--|-----|--------------------------|

| | | | | | |
|--|--------------|---|--|--|--|
| | daily | | | | |
| | weekly | | | | |
| | monthly | x | | | |
| | quarterly | | | | |
| | semiannual | | | | |
| | annual | | | | |
| | single event | | | | |

| | |
|-------------------------------|---------|
| Violation Base Penalty | \$6,000 |
|-------------------------------|---------|

| |
|---|
| Four monthly events are recommended, calculated from the September 14, 2023 investigation date to the December 27, 2023 screening date. |
|---|

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 | \$6,000 |
|---------------------------|---------|

Economic Benefit (EB) for this violation

| | |
|----------------------------|---------|
| Estimated EB Amount | \$1,682 |
|----------------------------|---------|

Statutory Limit Test

| | |
|--------------------------------------|---------|
| Violation Final Penalty Total | \$8,220 |
|--------------------------------------|---------|

| | |
|--|---------|
| This violation Final Assessed Penalty (adjusted for limits) | \$8,220 |
|--|---------|

Economic Benefit Worksheet

Respondent Undine Texas, LLC
Case ID No. 65200
Reg. Ent. Reference No. RN101241255
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 |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

Delayed Costs

| | | | | | | | |
|---|----------|-------------|------------|------|------|---------|---------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | \$13,919 | 14-Sep-2023 | 5-Jun-2025 | 1.73 | \$80 | \$1,602 | \$1,682 |
| 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 delayed cost includes the estimated amount to provide a total storage capacity of at least 83 gallons per connection (\$2.15 per gallon x 6,474 gallons), calculated from the date of the investigation to the estimated date of compliance. | | | | | | | |

Avoided Costs

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

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

| | | | |
|----------------------------|----------|--------------|---------|
| Approx. Cost of Compliance | \$13,919 | TOTAL | \$1,682 |
|----------------------------|----------|--------------|---------|

| | | |
|---|-----------------------------------|--|
| Screening Date 27-Dec-2023 Respondent Undine Texas, LLC Case ID No. 65200 Reg. Ent. Reference No. RN101241255 Media Public Water Supply Enf. Coordinator Kaisie Hubschmitt | Docket No. 2023-1798-PWS-E | PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i> |
|---|-----------------------------------|--|

| | | | |
|------------------------------|--|------------------------------------|--|
| Violation Number | 5 | Rule Cite(s) | |
| | | 30 Tex. Admin. Code § 290.46(n)(1) | |
| Violation Description | Failed to maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the Facility is decommissioned. | | |
| Base Penalty | | \$5,000 | |

>> Environmental, Property and Human Health Matrix

| | | | | | | |
|-----------|----------------|-------|----------|-------|----------------|------|
| OR | Harm | | | | | |
| | | Major | Moderate | Minor | | |
| | Release | | | | | |
| | Actual | | | | | |
| | Potential | | | | Percent | 0.0% |

>> Programmatic Matrix

| | | | | | | |
|--|----------------------|-------|----------|-------|----------------|-------|
| | Falsification | | | | | |
| | | Major | Moderate | Minor | | |
| | | | | | | |
| | Actual | | | | | |
| | Potential | | | | Percent | 20.0% |

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

| | |
|-------------------|---------|
| Adjustment | \$4,000 |
| \$1,000 | |

Violation Events

| | | | |
|----------------------------|---|-----|--------------------------|
| Number of Violation Events | 1 | 104 | Number of violation days |
|----------------------------|---|-----|--------------------------|

| | | | | |
|----------------------------------|--------------|---|-------------------------------|---------|
| | daily | | | |
| | weekly | | | |
| | monthly | | | |
| | quarterly | | | |
| | semiannual | | | |
| | annual | | | |
| | single event | x | | |
| One single event is recommended. | | | Violation Base Penalty | \$1,000 |

Good Faith Efforts to Comply

| | | |
|---------------------------|--|------------------------------------|
| | 0.0% | |
| | Before NOE/NOV | NOE/NOV to EDP RP/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

| | | |
|--|------|-----------------------------|
| Estimated EB Amount | \$13 | Statutory Limit Test |
| Violation Final Penalty Total | | \$1,370 |
| This violation Final Assessed Penalty (adjusted for limits) | | \$1,370 |

Economic Benefit Worksheet

Respondent Undine Texas, LLC
Case ID No. 65200
Reg. Ent. Reference No. RN101241255
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 |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

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 | \$180 | 14-Sep-2023 | 7-Mar-2025 | 1.48 | \$13 | n/a | \$13 |
| 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 maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank, calculated from the date of the investigation to the estimated 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 \$180

TOTAL \$13

| | | |
|---|-----------------------------------|--|
| Screening Date 27-Dec-2023 Respondent Undine Texas, LLC Case ID No. 65200 Reg. Ent. Reference No. RN101241255 Media Public Water Supply Enf. Coordinator Kaisie Hubschmitt | Docket No. 2023-1798-PWS-E | PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i> |
|---|-----------------------------------|--|

| | |
|------------------------------|---|
| Violation Number | 6 |
| Rule Cite(s) | 30 Tex. Admin. Code § 290.46(n)(3) |
| Violation Description | Failed to keep on file copies of well completion data as defined in 30 Tex. Admin. Code § 290.41(c)(3)(A) for as long as the well remains in service. |

| | |
|---------------------|---------|
| Base Penalty | \$5,000 |
|---------------------|---------|

>> Environmental, Property and Human Health Matrix

| | | | | | |
|-----------|----------------|----------------------|----------------------|----------------------|---|
| OR | | Harm | | | |
| | Release | Major | Moderate | Minor | |
| | Actual | <input type="text"/> | <input type="text"/> | <input type="text"/> | Percent <input style="width: 50px;" type="text" value="0.0%"/> |
| | Potential | <input type="text"/> | <input type="text"/> | <input type="text"/> | |

>> Programmatic Matrix

| | | | | | |
|---------------------|---|-------|----------------------|----------------------|--|
| Matrix Notes | Falsification | Major | Moderate | Minor | |
| | <input type="text"/> | x | <input type="text"/> | <input type="text"/> | Percent <input style="width: 50px;" type="text" value="20.0%"/> |
| | 100% of the rule requirements were not met. | | | | |
| | | | | | |

| | |
|-------------------|---------|
| Adjustment | \$4,000 |
|-------------------|---------|

| | |
|--|---------|
| | \$1,000 |
|--|---------|

Violation Events

| | | | |
|----------------------------|---|-----|--------------------------|
| Number of Violation Events | 1 | 104 | Number of violation days |
|----------------------------|---|-----|--------------------------|

| | | | | |
|--|--------------|----------------------|-------------------------------|---------|
| | daily | <input type="text"/> | Violation Base Penalty | \$1,000 |
| | weekly | <input type="text"/> | | |
| | monthly | <input type="text"/> | | |
| | quarterly | <input type="text"/> | | |
| | semiannual | <input type="text"/> | | |
| | annual | <input type="text"/> | | |
| | single event | x | | |

| |
|----------------------------------|
| One single event is recommended. |
|----------------------------------|

Good Faith Efforts to Comply

| | | |
|-------------|------------------|-----|
| 0.0% | Reduction | \$0 |
|-------------|------------------|-----|

| | | | |
|---------------|----------------------|-----------------------------------|--|
| | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer | |
| Extraordinary | <input type="text"/> | <input type="text"/> | |
| Ordinary | <input type="text"/> | <input type="text"/> | |
| N/A | x | <input type="text"/> | |

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

| | |
|---------------------------|---------|
| Violation Subtotal | \$1,000 |
|---------------------------|---------|

Economic Benefit (EB) for this violation

| | | |
|----------------------------|------|-----------------------------|
| Estimated EB Amount | \$13 | Statutory Limit Test |
|----------------------------|------|-----------------------------|

| | |
|--------------------------------------|---------|
| Violation Final Penalty Total | \$1,370 |
|--------------------------------------|---------|

| | |
|--|---------|
| This violation Final Assessed Penalty (adjusted for limits) | \$1,370 |
|--|---------|

Economic Benefit Worksheet

Respondent Undine Texas, LLC
Case ID No. 65200
Reg. Ent. Reference No. RN101241255
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) | \$180 | 14-Sep-2023 | 7-Mar-2025 | 1.48 | \$13 | n/a | \$13 |

Notes for DELAYED costs

The delayed cost includes the estimated amount to keep on file copies of well completion data at the Facility, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$180

TOTAL

\$13



Compliance History Report

Compliance History Report for CN605397827, RN101241255, 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: RN101241255, BAYRIDGE
SUBDIVISION WATER SYSTEM

Classification: NOT APPLICABLE

Rating: N/A

Complexity Points: N/A

Repeat Violator: N/A

CH Group: 14 - Other

Location: 7919 BAYRIDGE IN BAYTOWN, CHAMBERS COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0360028

Compliance History Period: September 01, 2018 to August 31, 2023

Rating Year: 2023

Rating Date: 09/01/2023

Date Compliance History Report Prepared: June 10, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 10, 2019 to June 10, 2024

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

Name: Kaisie Hubschmitt

Phone: (512) 239-1482

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? Undine Texas, LLC OWNER since 11/16/2020
- 4) Who was/were the prior owner(s)/operator(s)? Nerro Supply, LLC, OWNER, 12/27/2011 to 11/15/2020

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

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

1 Effective Date: 04/07/2020 ADMINORDER 2019-1206-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iii)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iv)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)

Description: Failure to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records of complaints received by the system, the calibration records for laboratory equipment, flow meter rate-of-flow controllers, on-line turbidimeters, and on-line disinfectant residual analyzers, and the results of inspections for all water storage and pressure maintenance facilities were not available for review.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)(I)

Description: Failure to provide adequate containment facilities for all liquid chemical storage tanks. Specifically, the 55-gallon polyphosphate container did not have secondary containment.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(b)(7)

Description: Failure to have all air release devices installed in such a manner as to preclude the possibility of submergence or possible entrance of contaminants, in violation of 30 TEX. ADMIN. CODE §290.42(b)(7).

Specifically, the pressure tank did not have 16-mesh or finer corrosion-resistant screening material or equivalent covering the opening on the pressure tank's air release device.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE §290.46(m). Specifically, the front fence line had loose barbed wire and the left fence line had vegetation in the barbed wire.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)

30 TAC Chapter 290, SubChapter F 290.110(b)(4)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to maintain a disinfectant residual of 0.2 mg/L of free chlorine throughout the distribution system at all times. Specifically, on July 9, 2019, a free chlorine residual concentration of 0.10 mg/L was collected from an outside hose bibb at 7902 Ocean Drive.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide a well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, with 81 connections, the Facility is required to provide 48.6 gpm in well capacity. However, only 36 gpm were provided, indicating a 26% deficiency

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide a total storage capacity of at least 83 gallons per connection as required by the alternative capacity requirement approved by the Executive Director. Specifically, with 81 connections, the Facility is required to provide 6,723 gallons of total storage capacity. However, no storage was provided, indicating a 100% deficiency.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(u)

Description: Failure to plug an abandoned public water supply well with cement in accordance with 16 TEX. ADMIN. CODE ch. 76 or submit test results proving that the well is in a non-deteriorated condition. Specifically, well G0360028A is abandoned and had not been tested or plugged.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)

Description: Failure to maintain a thorough and up-to-date plant operations manual for operator review and reference. Specifically, the plant operations manual did not reflect the change from gas chlorine to hypochlorite or the addition of polyphosphate, and did not include protocols to be utilized in the event of a natural or man-made catastrophe, and local/state/federal agencies to be contacted in the event of an emergency.

2 Effective Date: 01/24/2023 ADMINORDER 2022-0582-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.118(a)

30 TAC Chapter 290, SubChapter F 290.118(b)

Description: Failed to meet the maximum secondary constituent levels ("MSCLs") for color of 15 color units ("CUs"). Specifically, the water color at the flush valve located at the 8030 block of Ocean Drive, the 7800 block of Bayside, and the 8020 block of Bayview Drive were 20 CU, 40 CU, and 50 CU, respectively.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, the Facility had service pumps that were not operating, and therefore were not providing total capacity.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Description: Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids. Specifically, the discharge line of Well No. 2 was leaking.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

| | | |
|--------|----------------|-----------|
| Item 1 | March 05, 2020 | (1632348) |
| Item 2 | June 08, 2022 | (1819437) |

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

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

N/A

F. Environmental audits:

Notice of Intent Date: 07/06/2020 (1665967)

Disclosure Date: 01/29/2021

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to comply with general maintenance and housekeeping, site, structures, and tanks need repair or replacement along with documentation of inspections and no documentation of inspection.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

30 TAC Chapter 290, SubChapter D 290.42(l)

Description: Failure to maintain plant operations manual and monitoring plan.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)

Description: Failure to provide records on well meter calibration.

Viol. Moderate

Classification:

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

Description: Failure to provide sanitary control easements.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)

Description: Failure to provide well completion data.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)

Description: Failure to provide customer service inspection reports.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 290, SubChapter D 290.42(m)

Description: Failure to maintain adequate fencing.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 290, SubChapter F 290.117(a)

Description: Failure to provide lead and copper test records.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)

Description: Failure to maintain a water distribution system map.

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
RN101241255

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2023-1798-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 7919 Bayridge in Baytown, Chambers County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 78 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 \$15,138 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$12,111 of the penalty and \$3,027 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 at the Facility conducted on September 14, 2023, an investigator documented that the Respondent:

1. 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) and (f)(3)(D)(ii). Specifically, the records of the results of inspections for all water storage and pressure maintenance facilities were not maintained on-site for review.
2. Failed to provide adequate containment for all liquid chemical storage tanks, in violation of 30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii)(I). Specifically, the polyphosphate container did not have secondary containment.
3. Failed to provide a well capacity of 0.6 gallon 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 78 connections requiring 47 gpm of well capacity. However, the Facility provided 40 gpm of well capacity, indicating a 15% deficiency.
4. Failed to provide the minimum total storage capacity, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, in a letter dated August 13, 2018, the Facility was granted an alternative capacity requirement for total storage capacity of 83 gallons per connection. The Facility had 78 connections requiring a total storage capacity of 6,474 gallons. However, zero gallons of total storage capacity were provided, indicating a 100% deficiency.
5. Failed to maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the Facility is decommissioned, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(1).
6. Failed to keep on file copies of well completion data as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A) for as long as the well remains in service, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(3).

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. 2023-1798-PWS-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Compile and maintain properly completed water works operation and maintenance records, including but not limited to the results of inspections for all water storage and pressure maintenance facilities, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - ii. Provide adequate containment facilities for the polyphosphate container, in accordance with 30 TEX. ADMIN. CODE § 290.42.
 - b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.f 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:
 - i. Keep on file copies of well completion data for the well as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A), in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - ii. Compile and maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - d. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.f below, and include

detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.c.i and 2.c.ii.

- e. Within 180 days after the effective date of this Order:
 - i. Provide a well capacity of at least 0.6 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - ii. Provide a total storage capacity of at least 83 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- f. Within 195 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.e.i and 2.e.ii. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

- 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

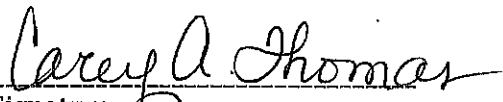
4/25/2025
Date

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

4.15.2025
Date

Carey A. Thomas
Name (Printed or typed)
Authorized Representative of
Undine Texas, LLC

Sr. Vice President
Title

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

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.