

Executive Summary – Enforcement Matter – Case No. 65266

Undine Texas, LLC

RN101283505

Docket No. 2024-0092-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM – PWS, WQ

Small Business:

No

Location(s) Where Violation(s) Occurred:

Taylor Lakes Estates Water System, 1071 East Taylor Lake Circle, Livingston, Polk 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: November 22, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$14,250

Amount Deferred for Expedited Settlement: \$2,850

Total Paid to General Revenue: \$11,400

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Unclassified

Site/RN - N/A

Major Source: PWS: Yes; WQ: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: November 14, 2023

Date(s) of NOE(s): January 12, 2024

Executive Summary – Enforcement Matter – Case No. 65266

Undine Texas, LLC

RN101283505

Docket No. 2024-0092-MLM-E

Violation Information

1. Failed to provide all ground storage tanks ("GSTs") with a liquid level indicator. Specifically, the two 12,000-gallon GSTs at Plant No. 2 shared a liquid level indicator [30 TEX. ADMIN. CODE § 290.43(c)(4)].
2. Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, the Facility had 163 connections requiring 97.8 gpm of well capacity. However, only 59 gpm of well capacity was provided, indicating a 40% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
3. Failed to provide a total storage capacity of 200 gallons per connection. Specifically, the Facility had 163 connections requiring a storage capacity of 32,600 gallons. However, only 24,000 gallons was provided, indicating a 26% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
4. Failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection. Specifically, the Facility had 163 connections requiring a total service pump capacity of 326 gpm. However, only 260 gpm was provided, indicating a 20% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
5. Failed to provide a minimum pressure tank capacity of 20 gallons per connection. Specifically, the Facility had 163 connections requiring a pressure tank capacity of 3,260 gallons. However, only 3,000 gallons was provided, indicating an 8% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
6. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, the results of inspections for all water storage and pressure maintenance facilities were not available for review [30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(D)(ii)].
7. Failed to provide an intruder-resistant fence or well house around each water treatment plant, well unit, and related appurtenances that remains locked during periods of darkness and when the Facility is unattended. Specifically, at Plant No. 1 there were broken or missing strands of barbed wire around its perimeter. Additionally, at Plant No. 2 there were large gaps at the back-left corner, under the middle-left side, and the top-left side of the fence and the fence and barbed wire at the front-right corner was bent [30 TEX. ADMIN. CODE §§ 290.41(c)(3)(O) and 290.42(m)].
8. Failed to provide the GST with a gooseneck roof vent or a roof ventilator designed by an engineer and installed in strict accordance with American Water Works Association ("AWWA") standards and equipped with a corrosion-resistant 16-mesh or finer screen. Specifically, there was a large hole in the center of the screening material on the right GST at Plant No. 2 [30 TEX. ADMIN. CODE § 290.43(c)(1)].

Executive Summary – Enforcement Matter – Case No. 65266

Undine Texas, LLC

RN101283505

Docket No. 2024-0092-MLM-E

9. Failed to ensure that the electrical wiring is securely installed in compliance with a local or national electrical code. Specifically, at Plant No. 2, the electrical wiring located at the top of the pressure tank was not enclosed in conduit and the spliced electrical wiring and wire caps for the 140 gpm service pump were exposed at the connection with the electrical box [30 TEX. ADMIN. CODE § 290.46(v)].

10. 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 for Well No. 2 was leaking [30 TEX. ADMIN. CODE § 290.46(m)(4)].

11. Failed to prevent the unauthorized discharge of industrial wastewater into or adjacent to water in the state. Specifically, an unauthorized discharge from the Facility's Plant No. 2 consisting of sand waste from the sand settling tank was observed [30 TEX. ADMIN. CODE § 290.42(i) and TEX. WATER CODE § 26.121(a)(1)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

a. Immediately, cease discharging sand waste from the sand settling tank of Plant No. 22 and begin capturing the sand waste in a receptacle to be adequately disposed of.

b. Within 15 days, submit written certification to demonstrate compliance with a.

c. Within 30 days:

i. Compile and maintain properly completed water works operation and maintenance records, including but not limited to, the records of the results of inspections for all water storage and pressure maintenance facilities; and

ii. Secure the electrical wiring in compliance with a local or national code, including but not limited to, enclosing the wiring for the pressure tank and 140 gpm service pump in conduit at Plant No. 2.

d. Within 45 days, submit written certification to demonstrate compliance with c.

e. Within 60 days:

i. Provide the two 12,000-gallon GSTs with a liquid level indicator;

Executive Summary – Enforcement Matter – Case No. 65266

Undine Texas, LLC

RN101283505

Docket No. 2024-0092-MLM-E

ii. Repair or replace the screening material on the roof vent of the right GST at Plant No. 2 in strict accordance with AWWA standards and equipped with a corrosion-resistant 16-mesh or finer screen; and

iii. Begin maintaining all distribution system lines, storage and pressure maintenance facilities, water treatment units and all related appurtenances in a watertight condition, including but not limited to discharge line for Well No. 2.

f. Within 75 days, submit written certification to demonstrate compliance with e.

g. Within 90 days, repair and maintain the intruder-resistant fence used to protect the Facility's water treatment plants, well units, and related appurtenances, including but not limited to repairing the fencing and barbed wire around Plant Nos. 1 and 2.

h. Within 105 days, submit written certification to demonstrate compliance with g.

i. Within 180 days:

i. Provide a well capacity of at least 0.6 gpm per connection;

ii. Provide two or more service pumps having a total capacity of 2.0 gpm per connection;

iii. Provide a total storage capacity of 200 gallons per connection; and

iv. Provide a minimum pressure tank capacity of 20 gallons per connection; and

j. Within 195 days, submit written certification to demonstrate compliance with i.i. through i.v.

Contact Information

TCEQ Attorney: N/A

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

Respondent: Edward R. Wallace Sr., President, Undine Texas, LLC, P.O. Box 1966, Cypress, Texas 77410

Carey A. Thomas, Senior Vice President, Undine Texas, LLC, P.O. Box 1966, Cypress, Texas 77410

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	16-Jan-2024	Screening	16-Jan-2024	EPA Due	
	PCW	29-Jan-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	Undine Texas, LLC (PCW No. 1 of 2)		
Reg. Ent. Ref. No.	RN101283505		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	65266	No. of Violations	10
Docket No.	2024-0092-MLM-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media	Water Quality	Enf. Coordinator	Claudia Bartley
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$10,500
---	-------------------	----------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
---------------------------	------	-------------------	--------------------------------	-----

Notes: No adjustment for Compliance History.

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 \$10,172
Estimated Cost of Compliance \$39,960

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$10,500
-----------------------------	-----------------------	----------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$10,500
-----------------------------	----------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,500
-----------------------------------	-------------------------------	----------

DEFERRAL	20.0%	Reduction	Adjustment	-\$2,100
-----------------	-------	------------------	-------------------	----------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$8,400
------------------------	---------

Screening Date	16-Jan-2024	Docket No.	2024-0092-MLM-E	PCW
Respondent	Undine Texas, LLC (PCW No. 1 of 2)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	65266			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101283505			
Media	Public Water Supply			
Enf. Coordinator	Claudia Bartley			

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

Adjustment Percentage (Subtotal 2) 0%

>> 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	No adjustment for Compliance History.
--------------------------	---------------------------------------

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date	16-Jan-2024	Docket No.	2024-0092-MLM-E	PCW
Respondent	Undine Texas, LLC (PCW No. 1 of 2)	Policy Revision 5 (January 28, 2021)		
Case ID No.	65266	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN101283505			
Media	Public Water Supply			
Enf. Coordinator	Claudia Bartley			
Violation Number	<div style="border: 1px solid black; padding: 2px; text-align: center;">1</div>			
Rule Cite(s)	<div style="border: 1px solid black; padding: 5px; text-align: center;">30 Tex. Admin. Code § 290.43(c)(4)</div>			
Violation Description	<div style="border: 1px solid black; padding: 5px;">Failed to provide all ground storage tanks ("GSTs") with a liquid level indicator. Specifically, the two 12,000-gallon GSTs at Plant No. 2 shared a liquid level indicator.</div>			
Base Penalty				<div style="border: 1px solid black; padding: 2px; text-align: center;">\$5,000</div>

>> Environmental, Property and Human Health Matrix

OR		Release	Harm		
		Major	Moderate	Minor	
	Actual	<div style="border: 1px solid black; padding: 2px; text-align: center;"> </div>	<div style="border: 1px solid black; padding: 2px; text-align: center;"> </div>	<div style="border: 1px solid black; padding: 2px; text-align: center;"> </div>	Percent
Potential	<div style="border: 1px solid black; padding: 2px; text-align: center;"> </div>	<div style="border: 1px solid black; padding: 2px; text-align: center;"> </div>	<div style="border: 1px solid black; padding: 2px; text-align: center;">x</div>	<div style="border: 1px solid black; padding: 2px; text-align: center;">7.0%</div>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<div style="border: 1px solid black; padding: 2px; text-align: center;"> </div>	<div style="border: 1px solid black; padding: 2px; text-align: center;"> </div>	<div style="border: 1px solid black; padding: 2px; text-align: center;"> </div>	<div style="border: 1px solid black; padding: 2px; text-align: center;"> </div>	Percent
	<div style="border: 1px solid black; padding: 2px; text-align: center;"> </div>	<div style="border: 1px solid black; padding: 2px; text-align: center;"> </div>	<div style="border: 1px solid black; padding: 2px; text-align: center;"> </div>	<div style="border: 1px solid black; padding: 2px; text-align: center;"> </div>	

Failure to provide a liquid level indicator may not allow the operator to make necessary adjustments for production and usage calculations which could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment

\$4,650

\$350

Violation Events

Number of Violation Events	<div style="border: 1px solid black; padding: 2px; text-align: center;">1</div>	63	Number of violation days
----------------------------	---	----	--------------------------

	daily	<div style="border: 1px solid black; padding: 2px; text-align: center;"> </div>		Violation Base Penalty	<div style="border: 1px solid black; padding: 2px; text-align: center;">\$350</div>
	weekly	<div style="border: 1px solid black; padding: 2px; text-align: center;"> </div>			
	monthly	<div style="border: 1px solid black; padding: 2px; text-align: center;"> </div>			
	quarterly	<div style="border: 1px solid black; padding: 2px; text-align: center;"> </div>			
	semiannual	<div style="border: 1px solid black; padding: 2px; text-align: center;"> </div>			
	annual	<div style="border: 1px solid black; padding: 2px; text-align: center;"> </div>			
	single event	<div style="border: 1px solid black; padding: 2px; text-align: center;">x</div>			

One single event is recommended.

Good Faith Efforts to Comply

	0.0%		Reduction	<div style="border: 1px solid black; padding: 2px; text-align: center;">\$0</div>
--	-------------	--	-----------	---

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary	<div style="border: 1px solid black; padding: 2px; text-align: center;"> </div>	<div style="border: 1px solid black; padding: 2px; text-align: center;"> </div>		
Ordinary	<div style="border: 1px solid black; padding: 2px; text-align: center;"> </div>	<div style="border: 1px solid black; padding: 2px; text-align: center;"> </div>		
N/A	<div style="border: 1px solid black; padding: 2px; text-align: center;">x</div>	<div style="border: 1px solid black; padding: 2px; text-align: center;"> </div>		

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

Violation Subtotal

\$350

Economic Benefit (EB) for this violation

Estimated EB Amount	<div style="border: 1px solid black; padding: 2px; text-align: center;">\$47</div>
----------------------------	--

Statutory Limit Test

Violation Final Penalty Total	<div style="border: 1px solid black; padding: 2px; text-align: center;">\$350</div>
--------------------------------------	---

This violation Final Assessed Penalty (adjusted for limits)

\$350

Economic Benefit Worksheet

Respondent Undine Texas, LLC (PCW No. 1 of 2)
Case ID No. 65266
Reg. Ent. Reference No. RN101283505
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	\$200	16-Nov-2021	4-Apr-2025	3.38	\$2	\$45	\$47
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
The delayed cost includes the estimated amount to provide a liquid level indicator for each of the 12,000-gallon GSTs (\$200 x one GST), calculated from the date of the investigation initially documenting the violation 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 \$200

TOTAL \$47

Screening Date	16-Jan-2024	Docket No.	2024-0092-MLM-E	PCW
Respondent	Undine Texas, LLC (PCW No. 1 of 2)	Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021		
Case ID No.	65266			
Reg. Ent. Reference No.	RN101283505			
Media	Public Water Supply			
Enf. Coordinator	Claudia Bartley			
Violation Number	2			
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 gallons per minute ("gpm") per connection. Specifically, the Facility had 163 connections requiring 97.8 gpm of well capacity. However, only 59 gpm of well capacity was provided, indicating a 40% 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 expose persons served by the Facility to a significant amount of contaminants that would not exceed levels that are protective of human health.

Adjustment \$4,250

Violation Events

Number of Violation Events	1	63	Number of violation days
----------------------------	---	----	--------------------------

	daily				
	weekly				
	monthly				
	quarterly	x			Violation Base Penalty \$750
	semiannual				
	annual				
	single event				

One quarterly event is recommended, calculated from the November 14, 2023 investigation date to the January 16, 2024 screening date.

Good Faith Efforts to Comply 0.0%

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer			
	Extraordinary				
	Ordinary				
	N/A	x			Reduction \$0

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 \$1,299	Violation Final Penalty Total \$750
This violation Final Assessed Penalty (adjusted for limits) \$750	

Economic Benefit Worksheet

Respondent Undine Texas, LLC (PCW No. 1 of 2)
Case ID No. 65266
Reg. Ent. Reference No. RN101283505
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)				0.00	\$0	\$0	\$0
Engineering/Construction	\$5,000	16-Nov-2021	2-Aug-2025	3.71	\$62	\$1,237	\$1,299
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 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 \$5,000

TOTAL \$1,299

Screening Date 16-Jan-2024 Respondent Undine Texas, LLC (PCW No. 1 of 2) Case ID No. 65266 Reg. Ent. Reference No. RN101283505 Media Public Water Supply Enf. Coordinator Claudia Bartley	Docket No. 2024-0092-MLM-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)(ii) and Tex. Health & Safety Code § 341.0315(c)	
Violation Description	Failed to provide a total storage capacity of 200 gallons per connection. Specifically, the Facility had 163 connections requiring a storage capacity of 32,600 gallons. However, only 24,000 gallons was provided, indicating a 26% 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 storage capacity could expose persons served by the Facility to a significant amount of contaminants that would not exceed levels protective of human health.
---------------------	---

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

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

Violation Events

Number of Violation Events	1	63	Number of violation days
----------------------------	---	----	--------------------------

	daily			
	weekly			
	monthly			
	quarterly	x		Violation Base Penalty \$750
	semiannual			
	annual			
	single event			

One quarterly event is recommended, calculated from the November 14, 2023 investigation date to the January 16, 2024 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	\$750
---------------------------	-------

Economic Benefit (EB) for this violation

Estimated EB Amount	\$4,805
----------------------------	---------

Statutory Limit Test

Violation Final Penalty Total	\$750
--------------------------------------	-------

This violation Final Assessed Penalty (adjusted for limits)	\$750
--	-------

Economic Benefit Worksheet

Respondent Undine Texas, LLC (PCW No. 1 of 2)
Case ID No. 65266
Reg. Ent. Reference No. RN101283505
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)				0.00	\$0	\$0	\$0
Engineering/Construction	\$18,490	16-Nov-2021	2-Aug-2025	3.71	\$229	\$4,576	\$4,805
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 200 gallons per connection (\$2.15 x 8,600 gallons), 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 \$18,490

TOTAL \$4,805

Screening Date	16-Jan-2024	Docket No.	2024-0092-MLM-E	PCW
Respondent	Undine Texas, LLC (PCW No. 1 of 2)	Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021		
Case ID No.	65266			
Reg. Ent. Reference No.	RN101283505			
Media	Public Water Supply			
Enf. Coordinator	Claudia Bartley			
Violation Number	4			
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 service pumps having a total capacity of 2.0 gpm per connection. Specifically, the Facility had 163 connections requiring a total service pump capacity of 326 gpm. However, only 260 gpm was provided, indicating a 20% 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

	Harm				
	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Failure to provide adequate service pump capacity could expose persons served by the Facility to a significant amount of contaminants that would not exceed levels protective of human health.
--------------	--

Adjustment	\$4,250
\$750	

Violation Events

Number of Violation Events	1		63	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 November 14, 2023 investigation date to the January 16, 2024 screening date.
--

Good Faith Efforts to Comply

	0.0%	
	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

Estimated EB Amount	\$2,599	Statutory Limit Test
		Violation Final Penalty Total \$750
This violation Final Assessed Penalty (adjusted for limits)		\$750

Economic Benefit Worksheet

Respondent Undine Texas, LLC (PCW No. 1 of 2)
Case ID No. 65266
Reg. Ent. Reference No. RN101283505
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	\$10,000	16-Nov-2021	2-Aug-2025	3.71	\$124	\$2,475	\$2,599
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 two or more pumps having a total capacity of at least 2.0 gpm per connection at each pump station or pressure plane, 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	\$10,000	TOTAL	\$2,599
----------------------------	----------	--------------	---------

Screening Date	16-Jan-2024	Docket No.	2024-0092-MLM-E	PCW
Respondent	Undine Texas, LLC (PCW No. 1 of 2)	Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021		
Case ID No.	65266			
Reg. Ent. Reference No.	RN101283505			
Media	Public Water Supply			
Enf. Coordinator	Claudia Bartley			
Violation Number	5			
Rule Cite(s)	30 Tex. Admin. Code § 290.45(b)(1)(C)(iv) and Tex. Health & Safety Code § 341.0315(c)			
Violation Description	Failed to provide a minimum pressure tank capacity of 20 gallons per connection. Specifically, the Facility had 163 connections requiring a pressure tank capacity of 3,260 gallons. However, only 3,000 gallons was provided, indicating an 8% deficiency.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification				
	Major	Moderate	Minor		
				Percent 0.0%	
Failure to provide adequate pressure tank capacity could result in water outages and low pressure problems, exposing persons served by the Facility to an insignificant amount of contaminants which would not exceed levels that are protective of human health.					
				Adjustment	\$4,650

\$350

Violation Events

Number of Violation Events	1	63	Number of violation days
daily			
weekly			
monthly			
quarterly			
semiannual			
annual			
single event	x		
One single event is recommended.			
Violation Base Penalty		\$350	

Good Faith Efforts to Comply

	0.0%	
	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		\$350

Economic Benefit (EB) for this violation

Estimated EB Amount	Statutory Limit Test
\$1,299	Violation Final Penalty Total \$350
This violation Final Assessed Penalty (adjusted for limits) \$350	

Economic Benefit Worksheet

Respondent Undine Texas, LLC (PCW No. 1 of 2)
Case ID No. 65266
Reg. Ent. Reference No. RN101283505
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	\$5,000	16-Nov-2021	2-Aug-2025	3.71	\$62	\$1,237	\$1,299
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
The delayed cost includes the estimated amount to provide a pressure tank capacity of at least 20 gallons per connection, calculated from the investigation date initially documenting the violation 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	\$5,000	TOTAL	\$1,299
----------------------------	---------	--------------	---------

Screening Date	16-Jan-2024	Docket No.	2024-0092-MLM-E	PCW
Respondent	Undine Texas, LLC (PCW No. 1 of 2)	Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021		
Case ID No.	65266			
Reg. Ent. Reference No.	RN101283505			
Media	Public Water Supply			
Enf. Coordinator	Claudia Bartley			
Violation Number	6			
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 results of inspections for all water storage and pressure maintenance facilities were not available for review.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

OR	Harm					
	Release	Major	Moderate	Minor		
	Actual					
	Potential					
					Percent	0.0%

>> Programmatic Matrix

OR	Harm					
	Release	Major	Moderate	Minor		
	Actual					
	Potential					
					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	Number of violation days	63
----------------------------	---	--------------------------	----

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

One single event is recommended.

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 \$50

Economic Benefit (EB) for this violation

Estimated EB Amount	Statutory Limit Test
\$3	

Violation Final Penalty Total \$50

This violation Final Assessed Penalty (adjusted for limits) \$50

Economic Benefit Worksheet

Respondent Undine Texas, LLC (PCW No. 1 of 2)
Case ID No. 65266
Reg. Ent. Reference No. RN101283505
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	\$45	14-Nov-2023	5-Mar-2025	1.31	\$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
The delayed cost includes the estimated amount to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request, calculated from the investigation date 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 \$45

TOTAL \$3

Screening Date	16-Jan-2024	Docket No.	2024-0092-MLM-E	PCW
Respondent	Undine Texas, LLC (PCW No. 1 of 2)	Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021		
Case ID No.	65266			
Reg. Ent. Reference No.	RN101283505			
Media	Public Water Supply			
Enf. Coordinator	Claudia Bartley			
Violation Number	7			
Rule Cite(s)	30 Tex. Admin. Code §§ 290.41(c)(3)(O) and 290.42(m)			
Violation Description	<p>Failed to provide an intruder-resistant fence or well house around each water treatment plant, well unit, and related appurtenances that remains locked during periods of darkness and when the Facility is unattended. Specifically, at Plant No. 1 there were broken or missing strands of barbed wire around its perimeter. Additionally, at Plant No. 2 there were large gaps at the back-left corner, under the middle-left side, and the top-left side of the fence and the fence and barbed wire at the front-right corner was bent.</p>			
		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		Harm			
	Falsification	Major	Moderate	Minor	
		Percent			0.0%

Failure to provide an intruder-resistant fence or lockable well house could result in contamination of the facilities by trespassers 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	2	63	Number of violation days
----------------------------	---	----	--------------------------

	daily				
	weekly				
	monthly				
	quarterly	x			
	semiannual				
	annual				
	single event				

Violation Base Penalty \$1,500

Two quarterly events are recommended (one for each location), calculated from the November 14, 2023 investigation date to the January 16, 2024 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.	

Reduction \$0

Violation Subtotal \$1,500

Economic Benefit (EB) for this violation

Estimated EB Amount	Statutory Limit Test
\$51	Violation Final Penalty Total
	\$1,500
This violation Final Assessed Penalty (adjusted for limits)	
\$1,500	

Economic Benefit Worksheet

Respondent Undine Texas, LLC (PCW No. 1 of 2)
Case ID No. 65266
Reg. Ent. Reference No. RN101283505
Media Public Water Supply
Violation No. 7

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-Nov-2023	4-May-2025	1.47	\$2	\$49	\$51
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 repair the intruder-resistant fencing at Plant Nos. 1 and 2, 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

\$51

Screening Date	16-Jan-2024	Docket No.	2024-0092-MLM-E	PCW	
Respondent	Undine Texas, LLC (PCW No. 1 of 2)				<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	65266				<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101283505				
Media	Public Water Supply				
Enf. Coordinator	Claudia Bartley				
Violation Number	8				
Rule Cite(s)	30 Tex. Admin. Code § 290.43(c)(1)				
Violation Description	Failed to provide the GST with a gooseneck roof vent or a roof ventilator designed by an engineer and installed in strict accordance with American Water Works Association standards and equipped with a corrosion-resistant 16-mesh or finer screen. Specifically, there was a large hole in the center of the screening material on the right GST at Plant No. 2.				
		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 a screen for the roof vent on the GST could result in persons served by the Facility being exposed 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	Number of violation days	63
	<div style="display: flex; flex-direction: column; align-items: flex-start;"> <div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">daily</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">weekly</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">monthly</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">quarterly</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">semiannual</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">annual</div> <div style="border: 1px solid black; padding: 2px;">single event</div> </div>		
			Violation Base Penalty \$750
One quarterly event is recommended, calculated from the date of the investigation, November 14, 2023, to the date of screening, January 16, 2024.			

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	\$750	

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$2
Violation Final Penalty Total	\$750
This violation Final Assessed Penalty (adjusted for limits)	\$750

Economic Benefit Worksheet

Respondent Undine Texas, LLC (PCW No. 1 of 2)
Case ID No. 65266
Reg. Ent. Reference No. RN101283505
Media Public Water Supply
Violation No. 8

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)	\$25	14-Nov-2023	4-Apr-2025	1.39	\$0	\$2	\$2
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 corrosion-resistant 16-mesh or finer screen for the roof vent on the right GST at Plant No. 2, 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 \$25

TOTAL \$2

Screening Date 16-Jan-2024 Respondent Undine Texas, LLC (PCW No. 1 of 2) Case ID No. 65266 Reg. Ent. Reference No. RN101283505 Media Public Water Supply Enf. Coordinator Claudia Bartley	Docket No. 2024-0092-MLM-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
--	-----------------------------------	--

Violation Number	9		Rule Cite(s)
			30 Tex. Admin. Code § 290.46(v)
Violation Description	Failed to ensure that the electrical wiring is securely installed in compliance with a local or national electrical code. Specifically, at Plant No. 2, the electrical wiring located at the top of the pressure tank was not enclosed in conduit and the spliced electrical wiring and wire caps for the 140 gpm service pump were exposed at the connection with the electrical box.		

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 ensure all electrical wiring is installed in compliance with a local or national code could cause equipment malfunctions resulting in low pressure or outages which 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	3	63	Number of violation days
----------------------------	---	----	--------------------------

	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			

Violation Base Penalty	\$4,500
-------------------------------	---------

Three monthly events are recommended, calculated from the November 14, 2023 investigation date to the January 16, 2024 screening date.	
--	--

Good Faith Efforts to Comply

0.0%	
Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	
Ordinary	
N/A	x

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

Violation Subtotal	\$4,500
---------------------------	---------

Economic Benefit (EB) for this violation

Estimated EB Amount	\$18
----------------------------	------

Statutory Limit Test

Violation Final Penalty Total	\$4,500
--------------------------------------	---------

This violation Final Assessed Penalty (adjusted for limits)	\$4,500
--	---------

Economic Benefit Worksheet

Respondent Undine Texas, LLC (PCW No. 1 of 2)
Case ID No. 65266
Reg. Ent. Reference No. RN101283505
Media Public Water Supply
Violation No. 9

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)	\$200	14-Nov-2023	5-Mar-2025	1.31	\$1	\$17	\$18
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 secure all electrical wiring in compliance with a local or national code, 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 \$200

TOTAL \$18

Screening Date 16-Jan-2024 Respondent Undine Texas, LLC (PCW No. 1 of 2) Case ID No. 65266 Reg. Ent. Reference No. RN101283505 Media Public Water Supply Enf. Coordinator Claudia Bartley	Docket No. 2024-0092-MLM-E <div style="border: 1px solid black; padding: 5px;"> Violation Number 10 </div> <div style="border: 1px solid black; padding: 5px;"> Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(4) </div> <div style="border: 1px solid black; padding: 5px;"> Violation 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 for Well No. 2 was leaking. </div>	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
--	---	--

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release			
Actual			
Potential		x	

Percent 15.0%

>> Programmatic Matrix

Matrix Notes

Falsification	Major	Moderate	Minor

Percent 0.0%

Failure to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition could expose person 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

63 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

One quarterly event is recommended, calculated from the November 14, 2023 investigation date to the January 16, 2024 screening date.

Violation Base Penalty \$750

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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 \$48

Violation Final Penalty Total \$750

This violation Final Assessed Penalty (adjusted for limits) \$750

Economic Benefit Worksheet

Respondent Undine Texas, LLC (PCW No. 1 of 2)
Case ID No. 65266
Reg. Ent. Reference No. RN101283505
Media Public Water Supply
Violation No. 10

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-Nov-2023	4-Apr-2025	1.39	\$2	\$46	\$48
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 repair leaks 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 \$500

TOTAL \$48



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	16-Jan-2024			
	PCW	23-Jul-2024	Screening	16-Jan-2024	EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent	Undine Texas, LLC (PCW No. 2 of 2)				
Reg. Ent. Ref. No.	RN101283505				
Facility/Site Region	10-Beaumont		Major/Minor Source	Minor	

CASE INFORMATION

Enf./Case ID No.	65266	No. of Violations	1
Docket No.	2024-0092-MLM-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media	Public Water Supply	Enf. Coordinator	Claudia Bartley
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$3,750
---	-------------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
---------------------------	-------------	-------------------	--------------------------------	-----

Notes	No adjustment for Compliance History.			
--------------	---------------------------------------	--	--	--

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	\$172	<i>*Capped at the Total EB \$ Amount</i>
Estimated Cost of Compliance	\$2,100	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,750
-----------------------------	-----------------------	---------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$3,750
-----------------------------	---------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,750
-----------------------------------	-------------------------------	---------

DEFERRAL	20.0%	Reduction	Adjustment	-\$750
-----------------	--------------	------------------	-------------------	--------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$3,000
------------------------	---------

Screening Date

16-Jan-2024

Docket No.

2024-0092-MLM-E

PCW

Respondent

Undine Texas, LLC (PCW No. 2 of 2)

Case ID No.

65266

Reg. Ent. Reference No.

RN101283505

Media

Water Quality

Enf. Coordinator

Claudia Bartley

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

Adjustment Percentage (Subtotal 2)

0%

>> 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

No adjustment for Compliance History.

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

0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

0%

Screening Date	16-Jan-2024	Docket No.	2024-0092-MLM-E	PCW	
Respondent	Undine Texas, LLC (PCW No. 2 of 2)			Policy Revision 5 (January 28, 2021)	
Case ID No.	65266			PCW Revision February 11, 2021	
Reg. Ent. Reference No.	RN101283505				
Media	Water Quality				
Enf. Coordinator	Claudia Bartley				
Violation Number	1				
Rule Cite(s)	30 Tex. Admin. Code § 290.42(i) and Tex. Water Code § 26.121(a)(1)				
Violation Description	Failed to prevent the unauthorized discharge of industrial wastewater into or adjacent to water in the state. Specifically, an unauthorized discharge from the Facility's Plant No. 2 consisting of sand waste from the sand settling tank was observed.				
Base Penalty				\$25,000	
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major	Moderate	Minor	
	Actual			x	
	Potential				Percent 15.0%
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Human health or the environment has been exposed to an insignificant amount of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.				
Adjustment				\$21,250	
					\$3,750
Violation Events					
Number of Violation Events		1	63	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly	x		Violation Base Penalty \$3,750	
	semiannual				
	annual				
	single event				
One quarterly event is recommended, calculated from the November 14, 2023 investigation date to the January 16, 2024 screening date.					
Good Faith Efforts to Comply		0.0%	Reduction		\$0
	Extraordinary		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer		
	Ordinary				
	N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.				
Violation Subtotal				\$3,750	
Economic Benefit (EB) for this violation					Statutory Limit Test
Estimated EB Amount		\$172	Violation Final Penalty Total		\$3,750
This violation Final Assessed Penalty (adjusted for limits)				\$3,750	

Economic Benefit Worksheet

Respondent Undine Texas, LLC (PCW No. 2 of 2)
Case ID No. 65266
Reg. Ent. Reference No. RN101283505
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$2,000	14-Nov-2023	19-Jan-2025	1.18	\$8	\$158	\$166
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)	\$100	14-Nov-2023	19-Jan-2025	1.18	\$6	n/a	\$6

Notes for DELAYED costs

The Engineering/Construction delayed cost includes the estimated amount to begin capturing the waste from the sand filter in a receptacle to be disposed of, calculated from the date of the investigation to the estimated date of compliance.

The other (as needed) delayed cost includes the estimated amount to cease the discharge, 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	\$2,100	TOTAL	\$172
----------------------------	---------	-------	-------



Compliance History Report

Compliance History Report for CN605397827, RN101283505, 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: RN101283505, TAYLOR LAKE ESTATES WATER SYSTEM

Classification: NOT APPLICABLE

Rating: N/A

Complexity Points: N/A

Repeat Violator: N/A

CH Group: 14 - Other

Location: 1071 EAST TAYLOR LAKE CIRCLE IN LIVINGSTON, POLK COUNTY, TEXAS

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1870064

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

Rating Year: 2023

Rating Date: 09/01/2023

Date Compliance History Report Prepared: July 23, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: July 23, 2019 to July 23, 2024

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

Name: Claudia Bartley

Phone: (512) 239-1116

Site and Owner/Operator History:

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

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

N/A

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:

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
RN101283505

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2024-0092-MLM-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. WATER CODE chs. 7 and 26 and 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 1071 East Taylor Lake Circle in Livingston, Polk County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 163 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). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073 and 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, TEX. WATER CODE ch. 26, and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$14,250 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$11,400 of the penalty and \$2,850 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 November 14, 2023, an investigator documented that the Respondent:

1. Failed to provide all ground storage tanks ("GSTs") with a liquid level indicator, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4). Specifically, the two 12,000-gallon GSTs at Plant No. 2 shared a liquid level indicator.
2. Failed to provide a well 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 163 connections requiring 97.8 gpm of well capacity. However, only 59 gpm of well capacity was provided, indicating a 40% deficiency.
3. Failed to provide a total storage capacity of 200 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Facility had 163 connections requiring a storage capacity of 32,600 gallons. However, only 24,000 gallons was provided, indicating a 26% deficiency.
4. Failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection, 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 163 connections requiring a total service pump capacity of 326 gpm. However, only 260 gpm was provided, indicating a 20% deficiency.
5. Failed to provide a minimum pressure tank capacity of 20 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Facility had 163 connections requiring a pressure tank capacity of 3,260 gallons. However, only 3,000 gallons was provided, indicating an 8% deficiency.
6. 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 results of inspections for all water storage and pressure maintenance facilities were not available for review.

7. Failed to provide an intruder-resistant fence or well house around each water treatment plant, well unit, and related appurtenances that remains locked during periods of darkness and when the Facility is unattended, in violation of 30 TEX. ADMIN. CODE §§ 290.41(c)(3)(O) and 290.42(m). Specifically, at Plant No. 1 there were broken or missing strands of barbed wire around its perimeter. Additionally, at Plant No. 2 there were large gaps at the back-left corner, under the middle-left side, and the top-left side of the fence and the fence and barbed wire at the front-right corner was bent.
8. Failed to provide the GST with a gooseneck roof vent or a roof ventilator designed by an engineer and installed in strict accordance with American Water Works Association ("AWWA") standards and equipped with a corrosion-resistant 16-mesh or finer screen, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(1). Specifically, there was a large hole in the center of the screening material on the right GST at Plant No. 2.
9. Failed to ensure that the electrical wiring is securely installed in compliance with a local or national electrical code, in violation of 30 TEX. ADMIN. CODE § 290.46(v). Specifically, at Plant No. 2, the electrical wiring located at the top of the pressure tank was not enclosed in conduit and the spliced electrical wiring and wire caps for the 140 gpm service pump were exposed at the connection with the electrical box.
10. 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, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4). Specifically, the discharge line for Well No. 2 was leaking.
11. Failed to prevent the unauthorized discharge of industrial wastewater into or adjacent to water in the state, in violation of 30 TEX. ADMIN. CODE § 290.42(i) and TEX. WATER CODE § 26.121(a)(1). Specifically, an unauthorized discharge from the Facility's Plant No. 2 consisting of sand waste from the sand settling tank was observed.

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. 2024-0092-MLM-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. Immediately upon the effective date of this Order, cease discharging sand waste from the sand settling tank at Plant No. 2 and begin capturing the sand waste in a receptacle to be adequately disposed of, in accordance with 30 TEX. ADMIN. CODE § 290.42(i).
 - b. Within 15 days after the effective date of this Order, submit written certification to the addresses under Ordering Provision No. 2.j below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
 - c. 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 records of the results of inspections for all water storage and pressure maintenance facilities, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - ii. Secure the electrical wiring in compliance with a local or national code, including but not limited to, enclosing the wiring for the pressure tank and 140 gpm service pump in conduit at Plant No. 2, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - d. Within 45 days after the effective date of this Order, submit written certification to the addresses under Ordering Provision No. 2.j 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 60 days after the effective date of this Order:
 - i. Provide the two 12,000-gallon GSTs with a liquid level indicator, in accordance with 30 TEX. ADMIN. CODE § 290.43;
 - ii. Repair or replace the screening material on the roof vent of the right GST at Plant No. 2 in strict accordance with AWWA standards and equipped with a corrosion-resistant 16-mesh or finer screen, in accordance with 30 TEX. ADMIN. CODE § 290.43; and
 - iii. Begin maintaining all distribution system lines, storage and pressure maintenance facilities, water treatment units and all related appurtenances in a watertight condition, including but not limited to discharge line for Well No. 2, in accordance with 30 TEX. ADMIN. CODE § 290.46.

- f. Within 75 days after the effective date of this Order, submit written certification to the addresses under Ordering Provision No. 2.j 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 90 days after the effective date of this Order, repair and maintain the intruder-resistant fence used to protect the Facility's water treatment plants, well units, and related appurtenances, including but not limited to repairing the fencing and barbed wire around Plant Nos. 1 and 2, in accordance with 30 TEX. ADMIN. CODE §§ 290.41 and 290.42.
- h. Within 105 days after the effective date of this Order, submit written certification to the addresses under Ordering Provision No. 2.j below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.g.
- i. 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;
 - ii. Provide two or more service pumps having a total capacity of 2.0 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45;
 - iii. Provide a total storage capacity of 200 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - iv. Provide a minimum pressure tank capacity of 20 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- j. 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.i.i through 2.i.iv. 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.

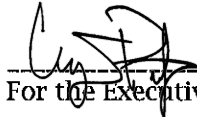
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



4/25/2025

For the Executive Director

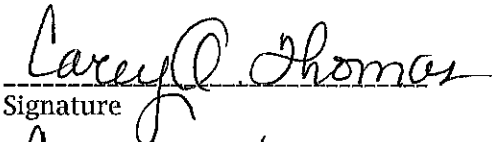
Date

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)

Sr. Vice President

Title

Authorized Representative of
Undine Texas, LLC

☐ 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.