

**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. 2.

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;

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

v. Begin capturing the sand waste from the sand settling tank of Plant No. 2 in a receptacle to be disposed of.

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  
William 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

<b>DATES</b>	<b>Assigned</b>	16-Jan-2024	<b>Screening</b>	16-Jan-2024	<b>EPA Due</b>	
	<b>PCW</b>	29-Jan-2024				

## RESPONDENT/FACILITY INFORMATION

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

## CASE INFORMATION

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

## Penalty Calculation Section

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

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	0.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$0
---------------------------	------	-------------------	--------------------------------	-----

Notes No adjustment for Compliance History.

<b>Culpability</b>	No	0.0%	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
--------------------	----	------	--------------------	-------------------	-----

Notes The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
--	-------------------	-----

<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
-------------------------	------	---------------------	-------------------	-----

Total EB Amounts	\$10,172
Estimated Cost of Compliance	\$39,960

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$10,500
-----------------------------	-----------------------	----------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
---	------	-------------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

<b>Final Penalty Amount</b>	\$10,500
-----------------------------	----------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$10,500
-----------------------------------	-------------------------------	----------

<b>DEFERRAL</b>	20.0%	<b>Reduction</b>	<b>Adjustment</b>	-\$2,100
-----------------	-------	------------------	-------------------	----------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$8,400
------------------------	---------

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

<b>Screening Date</b>	16-Jan-2024	<b>Docket No.</b>	2024-0092-MLM-E	<b>PCW</b>
<b>Respondent</b>	Undine Texas, LLC (PCW No. 1 of 2)	Policy Revision 5 (January 28, 2021)		
<b>Case ID No.</b>	65266	PCW Revision February 11, 2021		
<b>Reg. Ent. Reference No.</b>	RN101283505			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Claudia Bartley			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.43(c)(4)			
<b>Violation Description</b>	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.			
		<b>Base Penalty</b>	\$5,000	

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

<b>OR</b>		<b>Harm</b>				
	<b>Release</b>	Major	Moderate	Minor		
	Actual					
	Potential			x	<b>Percent</b>	7.0%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor		
					<b>Percent</b>	0.0%

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.

<b>Matrix Notes</b>		<b>Adjustment</b>	\$4,650
			\$350

**Violation Events**

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

	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	

One single event is recommended.

<b>Good Faith Efforts to Comply</b>	0.0%		<b>Reduction</b>	\$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.

	<b>Violation Subtotal</b>	\$350
--	---------------------------	-------

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

<b>Estimated EB Amount</b>	\$47	<b>Statutory Limit Test</b>
		<b>Violation Final Penalty Total</b>
		\$350
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$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

Notes for DELAYED costs

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.

## 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



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

<b>Violation Number</b>	2		<b>Rule Cite(s)</b>	
			30 Tex. Admin. Code § 290.45(b)(1)(C)(i) and Tex. Health & Safety Code § 341.0315(c)	
<b>Violation Description</b>	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.			

<b>Base Penalty</b>	\$5,000
---------------------	---------

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential		x		<b>Percent</b> 15.0%

**>> Programmatic Matrix**

<b>Matrix Notes</b>		Falsification	Major	Moderate	Minor	
						<b>Percent</b> 0.0%
	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.					

<b>Adjustment</b>	\$4,250
-------------------	---------

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

**Violation Events**

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

daily						
weekly						
monthly						
quarterly		x				<b>Violation Base Penalty</b> \$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**

<b>0.0%</b>	<b>Reduction</b> \$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.		

<b>Violation Subtotal</b>	\$750
---------------------------	-------

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

<b>Estimated EB Amount</b>	<b>Statutory Limit Test</b>
\$1,299	<b>Violation Final Penalty Total</b> \$750
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$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

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

<b>Violation Number</b>	3	
<b>Rule Cite(s)</b>		30 Tex. Admin. Code § 290.45(b)(1)(C)(ii) and Tex. Health & Safety Code § 341.0315(c)
<b>Violation Description</b>	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.	

<b>Base Penalty</b>	\$5,000
---------------------	---------

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential		x		<b>Percent</b> 15.0%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 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.
--------------	---

<b>Adjustment</b>	\$4,250
-------------------	---------

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

**Violation Events**

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

	daily				
	weekly				
	monthly				
	quarterly	x			<b>Violation Base Penalty</b> \$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**

<b>0.0%</b>	<b>Reduction</b> \$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.		

<b>Violation Subtotal</b>	\$750
---------------------------	-------

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

<b>Estimated EB Amount</b>	<b>Statutory Limit Test</b>
\$4,805	<b>Violation Final Penalty Total</b> \$750
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$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

<b>Screening Date</b>	16-Jan-2024	<b>Docket No.</b>	2024-0092-MLM-E	<b>PCW</b>
<b>Respondent</b>	Undine Texas, LLC (PCW No. 1 of 2)	Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021		
<b>Case ID No.</b>	65266			
<b>Reg. Ent. Reference No.</b>	RN101283505			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Claudia Bartley			
<b>Violation Number</b>	4			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.45(b)(1)(C)(iii) and Tex. Health & Safety Code § 341.0315(c)			
<b>Violation Description</b>	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.			
		<b>Base Penalty</b>	\$5,000	

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

<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 15.0%
	Potential		x		

**>> Programmatic Matrix**

<b>OR</b>	<b>Harm</b>				
	<b>Falsification</b>	Major	Moderate	Minor	
					<b>Percent</b> 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		<b>Violation Base Penalty</b> \$750
	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.

**Good Faith Efforts to Comply**

	0.0%		<b>Reduction</b>	\$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**

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

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

<b>Violation Number</b>	5	<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.45(b)(1)(C)(iv) and Tex. Health & Safety Code § 341.0315(c)
<b>Violation Description</b>	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.		

<b>Base Penalty</b>	\$5,000
---------------------	---------

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential			x	<b>Percent</b> 7.0%

**>> Programmatic Matrix**

<b>Matrix Notes</b>		<b>Falsification</b>			
		Major	Moderate	Minor	
					<b>Percent</b> 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.

<b>Adjustment</b>	\$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.

**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.	

<b>Violation Subtotal</b>	\$350
---------------------------	-------

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

<b>Estimated EB Amount</b>	\$1,299

**Statutory Limit Test**

<b>Violation Final Penalty Total</b>	\$350
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$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

**Notes for DELAYED costs**

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.

## 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



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

<b>Violation Number</b>	6	
<b>Rule Cite(s)</b>		30 Tex. Admin. Code § 290.46(f)(2) and (f)(3)(D)(ii)
<b>Violation Description</b>	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.	

<b>Base Penalty</b>	\$5,000
---------------------	---------

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0.0%"/>

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	x	<b>Percent</b> <input type="text" value="1.0%"/>

Matrix Notes	Less than 30% of the rule requirements were not met.
--------------	--

<b>Adjustment</b>	\$4,950
-------------------	---------

	\$50
--	------

**Violation Events**

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

	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	x		<b>Violation Base Penalty</b> <input type="text" value="\$50"/>

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

**Good Faith Efforts to Comply**

	<b>0.0%</b>	
	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	
Notes	The Respondent does not meet the good faith criteria for this violation.	

<b>Violation Subtotal</b>	\$50
---------------------------	------

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

	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	\$3

<b>Violation Final Penalty Total</b>	\$50
--------------------------------------	------

<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$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

### Notes for DELAYED costs

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.

## 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

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

<b>Violation Number</b>	7	<b>Rule Cite(s)</b>	
		30 Tex. Admin. Code §§ 290.41(c)(3)(O) and 290.42(m)	
<b>Violation Description</b>	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.		
<b>Base Penalty</b>		\$5,000	

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

<b>OR</b>	<b>Release</b>	<b>Harm</b>			<b>Percent</b>
		Major	Moderate	Minor	
	Actual				
	Potential		x		
15.0%					

**>> Programmatic Matrix**

<b>Matrix Notes</b>	<b>Falsification</b>	Major	Moderate	Minor	<b>Percent</b>
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.					
<b>Adjustment</b>					\$4,250

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

**Violation Events**

Number of Violation Events	2	63	Number of violation days
daily			
weekly			
monthly			
quarterly	x		
semiannual			
annual			
single event			
<b>Violation Base Penalty</b>			
\$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**

<b>0.0%</b>	<b>Reduction</b>
	\$0
Before NOE/NOV    NOE/NOV to EDRP/Settlement Offer	
Extraordinary	
Ordinary	
N/A	x
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.
<b>Violation Subtotal</b>	
\$1,500	

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	<b>Violation Final Penalty Total</b>
\$51	\$1,500
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$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

<b>Screening Date</b>	16-Jan-2024	<b>Docket No.</b>	2024-0092-MLM-E	<b>PCW</b>
<b>Respondent</b>	Undine Texas, LLC (PCW No. 1 of 2)			Policy Revision 5 (January 28, 2021)
<b>Case ID No.</b>	65266			PCW Revision February 11, 2021
<b>Reg. Ent. Reference No.</b>	RN101283505			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Claudia Bartley			
<b>Violation Number</b>	8			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.43(c)(1)			
<b>Violation Description</b>	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.			
		<b>Base Penalty</b>	\$5,000	
>> Environmental, Property and Human Health Matrix				
OR		<b>Release</b>	<b>Harm</b>	
		Major	Moderate	Minor
	Actual			
	Potential		x	
				<b>Percent</b> 15.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
				<b>Percent</b> 0.0%
Matrix Notes	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.			
		<b>Adjustment</b>	\$4,250	
			\$750	
Violation Events				
	Number of Violation Events	1	63	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
				<b>Violation Base Penalty</b> \$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.		
		<b>Violation Subtotal</b>	\$750	
Economic Benefit (EB) for this violation				
	<b>Statutory Limit Test</b>			
	<b>Estimated EB Amount</b>	\$2	<b>Violation Final Penalty Total</b>	\$750
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$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

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

<b>Violation Number</b>	9	<b>Rule Cite(s)</b>	
		30 Tex. Admin. Code § 290.46(v)	
<b>Violation Description</b>	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.		

<b>Base Penalty</b>	\$5,000
---------------------	---------

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential	x			<b>Percent</b> 30.0%

**>> Programmatic Matrix**

<b>Matrix Notes</b>		Falsification	Major	Moderate	Minor	
						<b>Percent</b> 0.0%
	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.					

<b>Adjustment</b>	\$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					

<b>Violation Base Penalty</b>	\$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**

<b>0.0%</b>	
	<b>Reduction</b>

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

<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.
--------------	--

<b>Violation Subtotal</b>	\$4,500
---------------------------	---------

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

<b>Estimated EB Amount</b>	\$18	<b>Statutory Limit Test</b>	
----------------------------	------	-----------------------------	--

<b>Violation Final Penalty Total</b>	\$4,500
--------------------------------------	---------

<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$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



<b>Screening Date</b>	16-Jan-2024	<b>Docket No.</b>	2024-0092-MLM-E	<b>PCW</b>
<b>Respondent</b>	Undine Texas, LLC (PCW No. 1 of 2)	Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021		
<b>Case ID No.</b>	65266			
<b>Reg. Ent. Reference No.</b>	RN101283505			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Claudia Bartley			
<b>Violation Number</b>	10			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(m)(4)			
<b>Violation Description</b>	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.			
		<b>Base Penalty</b>	\$5,000	

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential		x		<b>Percent</b> 15.0%

**>> Programmatic Matrix**

<b>Matrix Notes</b>		Falsification	Major	Moderate	Minor	
						<b>Percent</b> 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.					
					<b>Adjustment</b>	\$4,250

\$750

**Violation Events**

Number of Violation Events	1	63	Number of violation days
	daily		
	weekly		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		
<b>Violation Base Penalty</b> \$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**

	<b>0.0%</b>		<b>Reduction</b> \$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.		
			<b>Violation Subtotal</b> \$750

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

	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	\$48
	<b>Violation Final Penalty Total</b> \$750
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$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

<b>DATES</b>	<b>Assigned</b>	16-Jan-2024	<b>Screening</b>	16-Jan-2024	<b>EPA Due</b>	
	<b>PCW</b>	23-Jul-2024				

## RESPONDENT/FACILITY INFORMATION

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

## CASE INFORMATION

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

## Penalty Calculation Section

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

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	0.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$0
---------------------------	------	-------------------	--------------------------------	-----

Notes No adjustment for Compliance History.

<b>Culpability</b>	No	0.0%	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
--------------------	----	------	--------------------	-------------------	-----

Notes The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
--	-------------------	-----

<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
-------------------------	------	---------------------	-------------------	-----

Total EB Amounts \$246  
Estimated Cost of Compliance \$2,100  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$3,750
-----------------------------	-----------------------	---------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
---	------	-------------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

<b>Final Penalty Amount</b>	\$3,750
-----------------------------	---------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$3,750
-----------------------------------	-------------------------------	---------

<b>DEFERRAL</b>	20.0%	<b>Reduction</b>	<b>Adjustment</b>	-\$750
-----------------	-------	------------------	-------------------	--------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$3,000
------------------------	---------

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

<b>Screening Date</b> 16-Jan-2024 <b>Respondent</b> Undine Texas, LLC (PCW No. 2 of 2) <b>Case ID No.</b> 65266 <b>Reg. Ent. Reference No.</b> RN101283505 <b>Media</b> Water Quality <b>Enf. Coordinator</b> Claudia Bartley <b>Violation Number</b> 1	<b>Docket No.</b> 2024-0092-MLM-E  <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 290.42(i) and Tex. Water Code § 26.121(a)(1)	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
---	---	--

<b>Violation Description</b>	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.
------------------------------	--

<b>Base Penalty</b>	\$25,000
---------------------	----------

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual			x	
	Potential				<b>Percent</b> 15.0%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 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.
--------------	--

<b>Adjustment</b>	\$21,250
-------------------	----------

	\$3,750
--	---------

**Violation Events**

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

	daily				
	weekly				
	monthly				
	quarterly	x			<b>Violation Base Penalty</b>
	semiannual				\$3,750
	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**

<b>0.0%</b>	<b>Reduction</b>
	\$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.
-------	--

<b>Violation Subtotal</b>	\$3,750
---------------------------	---------

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

<b>Estimated EB Amount</b>	<b>Statutory Limit Test</b>
\$246	

<b>Violation Final Penalty Total</b>	\$3,750
--------------------------------------	---------

<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$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	2-Aug-2025	1.72	\$11	\$229	\$240
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**

\$246



# 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



## **Component Appendices**

### **Appendix A**

#### **All NOVs Issued During Component Period 7/23/2019 and 7/23/2024**

1	Date:	01/14/2022	(1774173)		
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(4)			
	Description:	Failure by Undine Texas LLC - Taylor Lake Estates to have a liquid level indicator on the 0.012 million-gallon (MG) ground storage tanks.			
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(l)			
	Description:	Failure by Undine Texas LLC - Taylor Lake Estates to flush all dead-end mains on a monthly basis.			
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter F 290.109(d)(1)(B)			
	Description:	Failure by Undine Texas LLC - Taylor Lake Estates to obtain bacteriological samples from sample sites listed in the monitoring plan.			
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J) 30 TAC Chapter 290, SubChapter D 290.46(m)			
	Description:	Failure by Undine Texas LLC - Taylor Lake Estates to have an adequate sealing block at the well.			
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)			
	Description:	Failure by Undine Texas LLC - Taylor Lake Estates to have secondary containment structures for chemical storage facilities.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i)			
	Description:	Failure by Undine Texas LLC - Taylor Lake Estates to provide a well capacity of 0.6 gallons per minute (gpm) per connection.			
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)			
	Description:	Failure by Undine Texas LLC - Taylor Lake Estates to provide 200 gallons per connection of total storage capacity.			
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iv)			
	Description:	Failure by Undine Texas LLC - Taylor Lake Estates to provide a pressure tank capacity of 20 gallons per connection.			
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)			
	Description:	Failure by Undine Texas LLC - Taylor Lake Estates to provide two service pumps with a combined capacity of 2.0 gallons per minute (gpm) per connection.			

\* NOVs applicable for the Compliance History rating period 9/1/2018 to 8/31/2023

## Appendix B

### All Investigations Conducted During Component Period July 23, 2019 and July 23, 2024

Item 1	June 29, 2020**	(1651529)
Item 2	February 22, 2021**	(1701358)
Item 3	January 14, 2022**	(1774173)
Item 4	October 14, 2022**	(1840618)
Item 5	January 11, 2024	(1944178)

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2018 and 08/31/2023.

For  
Informational  
Purposes  
Only

# 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 cease discharging sand waste from the sand settling tank of Plant No. 2, in accordance with 30 TEX. ADMIN. CODE § 290.42.
  - 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;
  - iv. Provide a minimum pressure tank capacity of 20 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
  - v. Begin capturing the sand waste from the sand settling tank of Plant No. 2 in a receptacle to be disposed of, in accordance with 30 TEX. ADMIN. CODE § 290.42.
- 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.v. 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.



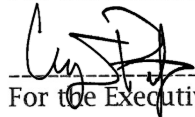
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



11/22/2024

For the Executive Director

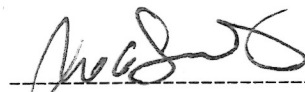
Date

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

10/1/2024

Date

William A. Thomas

Name (Printed or typed)

Sr. VP

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.