

Executive Summary – Enforcement Matter – Case No. 66230
Commodore Cove Improvement District
RN101440022
Docket No. 2024-1086-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three repeated enforcement actions (or two orders with nuisance violations) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

Commodore Cove Improvement District, 103 Anchor Drive, Freeport, Brazoria 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: February 14, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$1,625

Total Paid to General Revenue: \$1,625

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - N/A

Major Source: 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: May 20, 2024 through June 7, 2024

Date(s) of NOE(s): June 7, 2024

**Executive Summary – Enforcement Matter – Case No. 66230
Commodore Cove Improvement District
RN101440022
Docket No. 2024-1086-PWS-E**

Violation Information

Failed to comply with the maximum contaminant level of 0.060 milligrams per liter for haloacetic acids, based on the locational running annual average [30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

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

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Savannah Jackson, Enforcement Division, Enforcement Team 5, MC 219, (512) 239-4306; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Bill Hudgins, President, Commodore Cove Improvement District, 103 Anchor Drive, Freeport, Texas 77541

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	10-Jun-2024	Screening	11-Jun-2024	EPA Due	
	PCW	1-Jul-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	Commodore Cove Improvement District				
Reg. Ent. Ref. No.	RN101440022				
Facility/Site Region	12-Houston	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	66230	No. of Violations	1
Docket No.	2024-1086-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Savannah Jackson
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	30.0%	Adjustment	Subtotals 2, 3, & 7	\$375
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Notes: Enhancement for three NOV's with the same/similar violations and one agreed order without a denial of liability. Reduction for High Performer classification.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$787
Estimated Cost of Compliance: \$5,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,625
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$1,625
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,625
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$1,625
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Screening Date	11-Jun-2024	Docket No.	2024-1086-PWS-E	PCW
Respondent	Commodore Cove Improvement District			Policy Revision 5 (January 28, 2021)
Case ID No.	66230			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN101440022			
Media	Public Water Supply			
Enf. Coordinator	Savannah Jackson			

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>)	3	15%
	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	1	25%
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) 40%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Enhancement for three NOVs with the same/similar violations and one agreed order without a denial of liability. Reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 30%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 30%

Screening Date

11-Jun-2024

Docket No.

2024-1086-PWS-E

PCW

Respondent

Commodore Cove Improvement District

Case ID No.

66230

Reg. Ent. Reference No.

RN101440022

Media

Public Water Supply

Enf. Coordinator

Savannah Jackson

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code § 290.115(f)(1) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to comply with the maximum contaminant level ("MCL") of 0.060 milligrams per liter ("mg/L") for haloacetic acids ("HAA5"), based on the locational running annual average. Specifically, the locational running annual average concentrations of HAA5 for Stage 2 Disinfection Byproducts at Site 1 were 0.072 mg/L for the fourth quarter of 2023, 0.142 mg/L for the first quarter of 2024, and 0.143 mg/L for the second quarter of 2024.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

x

Potential

Percent

25.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent

0.0%

Matrix Notes

Exceeding the MCL for HAA5 caused persons served by the Facility to be exposed to a significant amount of contaminants which did not exceed levels protective of human health.

Adjustment

\$3,750

\$1,250

Violation Events

Number of Violation Events

1

273

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

x

single event

Violation Base Penalty

\$1,250

One annual event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

x

Notes

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

Violation Subtotal

\$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$787

Violation Final Penalty Total

\$1,625

This violation Final Assessed Penalty (adjusted for limits)

\$1,625

Economic Benefit Worksheet

Respondent Commodore Cove Improvement District
Case ID No. 66230
Reg. Ent. Reference No. RN101440022
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	31-Dec-2023	31-Mar-2026	2.25	\$37	\$750	\$787
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 investigate, identify, and implement the necessary corrective actions to return to compliance with the MCL for HAA5, calculated from the last day of the first quarter of noncompliance to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$787



Compliance History Report

Compliance History Report for CN600624555, RN101440022, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator:	CN600624555, Commodore Cove Improvement District	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN101440022, COMMODORE COVE IMPROVEMENT DISTRICT	Classification: NOT APPLICABLE	Rating: N/A
Complexity Points:	N/A	Repeat Violator: N/A	
CH Group:	14 - Other		
Location:	103 ANCHOR DRIVE NEAR FREEPORT, BRAZORIA COUNTY, TEXAS		
TCEQ Region:	REGION 12 - HOUSTON		
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0200033		
Compliance History Period:	September 01, 2019 to August 31, 2024	Rating Year: 2024	Rating Date: 09/01/2024
Date Compliance History Report Prepared:	December 12, 2024		
Agency Decision Requiring Compliance History:	Enforcement		
Component Period Selected:	December 12, 2019 to December 12, 2024		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name:	Savannah Jackson	Phone:	(512) 239-4306

Site and Owner/Operator History:

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

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

A. Final Orders, court judgments, and consent decrees:			
1	Effective Date: 05/15/2023	ADMINORDER 2022-0109-PWS-E (Findings Order-Agreed Order Without Denial)	
	Classification: Moderate		
	Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1) 5A THSC Chapter 341, SubChapter A 341.0315(c)		
	Description: TTHM LRAA MCL 4Q2021 - During the 4th quarter of 2021 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.158 mg/L at 1675 Blue Water DR, Freeport (DBP2-01).		
	Classification: Moderate		
	Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1) 5A THSC Chapter 341, SubChapter A 341.0315(c)		
	Description: TTHM LRAA MCL 3Q2021 - During the 3rd quarter of 2021 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.120 mg/L at 1675 Blue Water DR, Freeport (DBP2-01).		
	Classification: Moderate		
	Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1) 5A THSC Chapter 341, SubChapter A 341.0315(c)		
	Description: TTHM LRAA MCL 2Q2021 - During the 2nd quarter of 2021 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.111 mg/L at 1675 Blue Water DR, Freeport (DBP2-01).		
B. Criminal convictions:			
	N/A		
C. Chronic excessive emissions events:			
	N/A		

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

Item 1 May 27, 2021 (1723067)

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

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

- | | | |
|---|--|-----------------------------|
| 1 | Date: 02/01/2024 (1989396) | |
| | Self Report? NO | Classification: Moderate |
| | Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1) | |
| | Description: HAA5 LRAA MCL 4Q2023 - During the 4th quarter of 2023 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.072 mg/L at 1675 Blue Water Dr, Freeport (DBP2-01). ETT Point Value = 5 | |
| | | |
| 2 | Date: 03/20/2024 (1989396) | |
| | Self Report? NO | Classification: Moderate |
| | Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1) | |
| | Description: HAA5 LRAA MCL 1Q2024 - During the 1st quarter of 2024 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.142 mg/L at 1675 Blue Water Dr, Freeport (DBP2-01). ETT Point Value = 5 | |
| | | |
| 3 | Date: 05/15/2024 (1989396) | |
| | Self Report? NO | Classification: Moderate |
| | Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1) | |
| | Description: HAA5 LRAA MCL 2Q2024 - During the 2nd quarter of 2024 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.143 mg/L at 1675 Blue Water Dr, Freeport (DBP2-01). ETT Point Value = 5 | |

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 NOV's Issued During Component Period 12/12/2019 and 12/12/2024

1	Date:	07/13/2021	(1783304)		
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.115(f)(1) 5A THSC Chapter 341, SubChapter A 341.0315(c)			
	Description:	TTHM LRAA MCL 2Q2021 - During the 2nd quarter of 2021 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.111 mg/L at 1675 Blue Water DR, Freeport (DBP2-01).			
2	Date:	08/26/2021	(1783304)		
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.115(f)(1) 5A THSC Chapter 341, SubChapter A 341.0315(c)			
	Description:	TTHM LRAA MCL 3Q2021 - During the 3rd quarter of 2021 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.120 mg/L at 1675 Blue Water DR, Freeport (DBP2-01).			
3	Date:	12/22/2021	(1783304)		
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.115(f)(1) 5A THSC Chapter 341, SubChapter A 341.0315(c)			
	Description:	TTHM LRAA MCL 4Q2021 - During the 4th quarter of 2021 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.158 mg/L at 1675 Blue Water DR, Freeport (DBP2-01).			
4*	Date:	11/10/2023	(1930701)		
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(Q)			
	Description:	Failure to have, all openings to the atmosphere shall be covered with 16-mesh or finer, corrosion-resistant screening material or an acceptable equivalent.			
5*	Date:	02/01/2024	(1989396)		
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.115(f)(1)			
	Description:	HAA5 LRAA MCL 4Q2023 - During the 4th quarter of 2023 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.072 mg/L at 1675 Blue Water Dr, Freeport (DBP2-01). ETT Point Value = 5			
6*	Date:	03/20/2024	(1989396)		
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.115(f)(1)			
	Description:	HAA5 LRAA MCL 1Q2024 - During the 1st quarter of 2024 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.142 mg/L at 1675 Blue Water Dr, Freeport (DBP2-01). ETT Point Value = 5			
7*	Date:	05/15/2024	(1989396)		
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.115(f)(1)			
	Description:	HAA5 LRAA MCL 2Q2024 - During the 2nd quarter of 2024 the system			

violated the maximum contaminant level for haloacetic acids with a LRAA of 0.143 mg/L at 1675 Blue Water Dr, Freeport (DBP2-01). ETT Point Value = 5

* NOVs applicable for the Compliance History rating period 9/1/2019 to 8/31/2024

Appendix B

All Investigations Conducted During Component Period December 12, 2019 and December 12, 2024

Item 1	February 06, 2020**	(1623579)
Item 2*	May 27, 2021**	(1723067)
Item 3	June 10, 2021**	(1722506)
Item 4	January 12, 2022**	(1783304)
Item 5	January 14, 2022**	(1787224)
Item 6	July 05, 2023**	(1910264)
Item 7	November 10, 2023**	(1930701)
Item 8	June 05, 2024**	(1989396)
Item 9	June 07, 2024**	(1989768)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2019 and 08/31/2024.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
COMMODORE COVE IMPROVEMENT
DISTRICT
RN101440022

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

AGREED ORDER DOCKET NO. 2024-1086-PWS-E

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

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

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at 103 Anchor Drive near Freeport, Brazoria County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 182 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(73).
2. During a record review for the Facility conducted on May 20, 2024, through June 7, 2024, an investigator documented that the locational running annual average concentrations of haloacetic acids ("HAA5") for Stage 2 Disinfection Byproducts at Site 1 were 0.072 milligrams per liter ("mg/L") for the fourth quarter of 2023, 0.142 mg/L for the first quarter of 2024, and 0.143 mg/L for the second quarter of 2024.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to comply with the maximum contaminant level ("MCL") of 0.060 mg/L for HAA5, based on the locational running annual average, in violation of 30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$1,625 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent paid the \$1,625 penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Commodore Cove Improvement District, Docket No. 2024-1086-PWS-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall undertake the following technical requirements:
 - a. Within 365 days after the effective date of this Order, return to compliance with the MCL for HAA5, based on the locational running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.115.
 - b. Within 380 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Drinking Water Special Functions Section Manager
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's

jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



3/20/2025

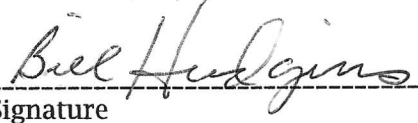
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

1/7/25

Date

Bill Hudgins

Name (Printed or typed)
Authorized Representative of
Commodore Cove Improvement District

President

Title

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

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