

Summary of Investigation Findings

B & W GATHERING WWTP	Investigation # 1337746
, BURNET COUNTY,	Investigation Date: 06/08/2016
Additional ID(s): TX0062014 WQ0011332001	

ALLEGED VIOLATION(S) NOTED AND RESOLVED ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 608358

2D TWC Chapter 26.121(a)(1)

Alleged Violation:

Investigation: 1337746

Comment Date: 06/21/2016

Failed to prevent an unauthorized discharge. On March 23, 2016, an estimated 2,000 to 3,000 gallons of wastewater were discharged from the collection system at 1902 Lake Crest Drive into the ditch when a contractor hit the low pressure force main. A portion of the discharge reached Lake LBJ. A fish kill was not observed.

Recommended Corrective Action: Take actions to stop the discharge, repair the leak, clean up the affected area, and report the discharge to the TCEQ.

Resolution: The flow in the low pressure force main was stopped. A dam was built to stop the flow of wastewater into the lake. A vacuum truck recovered approximately 2,000 gallons of wastewater. HTH was spread on the ground to disinfect the affected area. The broken service line was replaced. The TCEQ was notified by telephone and by written report.

ADDITIONAL ISSUES

Description

Is the regulated entity compliant with the self-monitored effluent limitations?

Additional Comments

The TSS daily average limit of 5 mg/L was exceeded in March 2016 (8.63 mg/L) and April 2016 (15 mg/L). The TSS daily average limit of 1.3 lb/day was exceeded in April 2016 (2.26 mg/L). Self-reported effluent violations may be subject to enforcement, including penalties, upon review by the Enforcement Division.

Steven W. Shaw, Ph.D., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 27, 2016

Mr. Robert Laughman
President
Aqua Development, Inc.
2211 Louetta Road
Spring, Texas 77388

Re: TCEQ Enforcement Action
Aqua Development, Inc.
Docket No. 2015-1225-MWD-E

Dear Mr. Laughman:

Enclosed for your records is a fully-executed copy of the Agreed Order for the above-referenced matter.

Please review the enclosed Agreed Order, particularly the "Ordering Provisions" section, to determine if further action will be required of you, such as the completion of technical requirements to achieve compliance. When technical requirements are listed (usually Ordering Provision No. 2 or 3), a deadline will be provided based on a specific number of days after the effective date. The effective date is as stated in the enclosed Agreed Order.

Should you have any questions, please contact Christopher Bost, the Enforcement Coordinator assigned to this matter, at (512) 239-4575.

Sincerely,

Melissa Cordell

Melissa Cordell
Assistant Division Director
Enforcement Division

Enclosure

cc: Christopher Bost, Enforcement Division
Water Section Manager, Region 11

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
AQUA DEVELOPMENT, INC.
RN102343035

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§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2015-1225-MWD-E

I. JURISDICTION AND STIPULATIONS

On MAY 24 2016, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Aqua Development, Inc. ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located approximately two miles east of the intersection of Farm-to-Market Road 973 and Blake Manor Road in Travis County, Texas (the "Facility").
2. The Respondent has discharged sewage into or adjacent to any water in the state under TEX. WATER CODE ch. 26.

The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about July 11, 2015.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

- i. An administrative penalty in the amount of Three Thousand Five Hundred One Dollars (\$3,501) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Eight Hundred One Dollars (\$2,801) of the administrative penalty and Seven Hundred Dollars (\$700) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
- 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.
- ii. 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(p).
- iii. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By February 9, 2015:
 - i. Ceased the discharge of wastewater from the Facility's influent lift station;
 - ii. Collected and properly disposed of the discharged wastewater;
 - iii. Remediated the affected areas; and
 - iv. Replaced the defective electrical component in the control panel
 - b. By June 8, 2015, began ensuring that an operator with a Category B wastewater license operates the Facility in the absence of the Facility's lead operator
- iv. 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 Agreed Order.
- v. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- vi. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

Failed to employ or contract with one or more licensed wastewater treatment facility operators holding the appropriate level of license or a wastewater system operations company holding a valid registration and employing licensed wastewater treatment facility operators holding the appropriate level of license for the Facility, in violation of TEX. WATER CODE § 26.0301(a), 30 TEX. ADMIN. CODE §§ 30.350(d) and 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014061001, Other Requirements No. 1, as documented during an investigation conducted on May 14, 2015. Specifically, an operator with a Category C wastewater license operated the Facility from November 19, 2014 to November 23, 2014; December 14, 2014 to December 16, 2014; December 24, 2014 to December 27, 2014; and February 11, 2015 to February 13, 2015.

2. Failed to prevent an unauthorized discharge of sewage into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0014061001, Permit Conditions No. 2.g and Operational Requirements No. 1, as documented during an investigation conducted on May 14, 2015. Specifically, on February 9, 2015, 500 gallons of wastewater discharged from the influent lift station located at the Facility because of an electrical component failure in the control panel.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed 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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Aqua Development, Inc., Docket No. 2015-1225-MWD-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

The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

This Agreed 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 Agreed 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.

4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed 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 Agreed 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.
5. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date


For the Executive Director

5/24/16
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, 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 Attorney General's Office 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 Attorney General's Office 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

1/4/16
Date

ROBERT LAUGHMAN
Name (Printed or typed)
Authorized Representative of
Aqua Development, Inc.

PRESIDENT
Title

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

501000000-2

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niemann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 14, 2016

Mr. Robert Laughman, President
Aqua Development, Inc.
2211 Louetta Road
Spring, Texas 77388

Re: Notice of Compliance with Commission Order
Aqua Development, Inc.; RN102343035; TPDES Permit No. WQ0014061001
Docket No. 2015-1225-MWD-E; Enforcement Case No. 51092

Dear Mr. Laughman:

This letter is to inform you that a review of Texas Commission on Environmental Quality records concerning the above-referenced enforcement matter indicates that Aqua Development, Inc. has fulfilled the requirements of the Commission Order ("Order") effective on May 24, 2016. Specifically, Aqua Development, Inc. has paid the administrative penalty assessed in the Order. Based upon this, we conclude that your response has been satisfactory and no further action is necessary at this time with respect to this enforcement matter. The Order will remain on the compliance history for this regulated entity for five years from the effective date of the Order.

We appreciate your cooperation, and if we can be of any further assistance, please contact Mr. Christopher Bost of my staff at (512) 239-4575.

Sincerely,

A handwritten signature in cursive script that reads "Sandy Van Cleave".

Sandy Van Cleave, Manager
Enforcement Division

cc: Mr. Abel Bautista, Wastewater Compliance Coordinator, Aqua Development, Inc., 2211 Louetta Road, Spring, Texas 77388
Mr. Scot W. Foltz, Environmental Compliance Manager, Aqua Utilities, 1106 Clayton Lane, Suite 400W, Austin, Texas 78723

COPY

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 10, 2017

RECEIVED

MS

Mr. Robert L. Laughman, President
Aqua Development, Inc.
2211 Louetta Road
Spring, Texas, 77388

TX ADMIN-AUSTIN

Re: Notice of Compliance with Notice of Violation (NOV) dated August 31, 2016:
Briar Creek Wastewater Treatment Facility
Located approximately 2.0 miles east of the intersection of Farm-to-Market Road 973
and Blake Manor Road in Travis County, Texas
RN102343035, TCEQ Additional ID: WQ0014061001, Investigation No. 1356550

Dear Laughman:

This letter is to inform you that the Texas Commission on Environmental Quality (TCEQ) Austin Regional Office has received adequate compliance documentation on September 30, 2016 and October 7, 2016 to resolve the alleged violation documented during the investigation of the above-referenced regulated entity conducted on August 3, 2016. Based on the information submitted, no further action is required concerning this investigation.

The Texas Commission on Environmental Quality appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions, please feel free to contact Mr. Christopher Bost at the Austin Regional Office at (512) 239-7021.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Stewart", is written over a horizontal line.

Shawn Stewart
Water Section Manager
Austin Regional Office

SS/CB

cc: Mr. Mike Merka, Field Supervisor, Aqua Development, Inc., 3209 Hillbilly Lane, Austin, Texas, 78746-1707
Mr. Scot W. Foltz, Environmental Compliance Manager, Aqua Development, Inc., 1106 Clayton Lane, Suite 400W, Austin, Texas 78723
Mr. David Ripley, Operator, Aqua Development, Inc., 3209 Hillbilly Lane, Austin, Texas, 78746-1707
Mr. Abel Bautista, Wastewater Compliance Coordinator, Aqua Development, Inc., 2211 Louetta Road, Spring, Texas, 77388

COPY

mike

Bryan W. Shaw, Ph.D., P.E., Chairman
Toby Baker, Commissioner
Zak Covar, Commissioner
Richard A. Hyde, P.E., Executive Director



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 31, 2016

RECEIVED

**CERTIFIED MAIL {Certified #91 7199 9991 7033 2858 2066}
RETURN RECEIPT REQUESTED**

TXADMIN-AUSTIN

Mr. Robert L. Laughman, President
Aqua Development, Inc.
2211 Louetta Road
Spring, Texas, 77388

Re: Notice of Violation for Compliance Evaluation Investigation at:
Briar Creek Wastewater Treatment Facility
Located approximately 2.0 miles east of the intersection of Farm-to-Market Road 973
and Blake Manor Road in Travis County
Regulated Entity No.: RN102343035, TCEQ ID No.: WQ0014061001
EPA ID No.: TX0117315, Investigation No. 1356550

Dear Mr. Laughman:

On August 3, 2016, Mr. Christopher Bost and Mr. Michael Daniels of the Texas Commission on Environmental Quality (TCEQ) Austin Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for wastewater treatment. Enclosed is a summary which lists the investigation findings. During the investigation, a concern was noted which was an alleged noncompliance that has been resolved as a resolved violation based on subsequent corrective action. In addition, a certain outstanding alleged violation was identified for which compliance documentation is required. Please submit to this office by September 30, 2016 a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violation. Also, several Additional Issues were identified. Self-reported effluent violations may be subject to enforcement, including penalties, upon review by the Enforcement Division.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Austin Region Office at 512-339-2929 or the Central Office Publications Ordering Team at 512-239-0028.

TCEQ Region 11 • P.O. Box 13087 • Austin, Texas 78711-3087 • 512-339-2929 • Fax 512-339-3795

Austin Headquarters: 512-239-1000 • tceq.texas.gov • How is our customer service? tceq.texas.gov/customersurvey

COPY

Mr. Robert L. Laughman

Page 2

August 31, 2016

The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violation as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violations documented in this notice. Should you choose to do so, you must notify the Austin Region Office within 10 days from the date of this letter. At that time, Ms. Carolyn Runyon will schedule a violation review meeting to be conducted within 21 days from the date of this letter. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the enclosed Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

If you or members of your staff have any questions, please feel free to contact Mr. Christopher Bost in the Austin Region Office at (512) 239-7021.

Sincerely,



Shawn Stewart, Team Leader
Austin Region Office
Texas Commission on Environmental Quality

SS/CB

cc: Mr. Mike Merka, Field Supervisor, Aqua Development, Inc., 3209 Hillbilly Lane, Austin, Texas, 78746-1707 (Enclose a copy of the Summary of Investigation Findings)
Mr. Scot W. Foltz, Environmental Compliance Manager, Aqua Development, Inc., 1106 Clayton Lane, Suite 400W, Austin, Texas 78723 (Enclose a copy of the Summary of Investigation Findings)
Mr. David Ripley, Operator, Aqua Development, Inc., 3209 Hillbilly Lane, Austin, Texas, 78746-1707 (Enclose a copy of the Summary of Investigation Findings)
Mr. Abel Bautista, Wastewater Compliance Coordinator, Aqua Development, Inc., 2211 Louetta Road, Spring, Texas, 77388 (Enclose a copy of the Summary of Investigation Findings)

Enclosure: Summary of Investigation Findings

Summary of Investigation Findings

BRIAR CREEK WWTP	Investigation # 1356550
, TRAVIS COUNTY,	Investigation Date: 08/03/2016
Additional ID(s): TX0117315 WQ0014061001	

OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 616078 Compliance Due Date: 09/30/2016

30 TAC Chapter 305.125(1)

30 TAC Chapter 305.125(5)

30 TAC Chapter 317.1(a)

PERMIT WQ0014061001, Operational Requirements No. 1

Operational Requirements No. 1

Alleged Violation:

Investigation: 1356550

Comment Date: 08/24/2016

Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the third lift station pump for the on-site lift station was out for repairs at the time of the investigation. According to the operator records, the lift station pump had been out for repairs since June 2, 2016

Recommended Corrective Action: The Facility and all of its systems of collection, treatment, and disposal shall be properly operated and maintained.

On August 23, 2016, an e-mail was received from Mr. Mike Merka, Field Supervisor with Aqua Development, Inc., stating that the third lift station pump has been replaced and that a copy of the invoice for the pump replacement would be sent once it becomes available.

Submit a copy of the invoice reflecting that the third lift station pump has been replaced.

ALLEGED VIOLATION(S) NOTED AND RESOLVED ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 616079

2D TWC Chapter 26.121(a)(1)

30 TAC Chapter 305.125(1)

PERMIT WQ0014061001, Permit Conditions No. 2.g

Permit Conditions No. 2.g

Alleged Violation:

Investigation: 1356550

Comment Date: 08/24/2016

Failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state. Specifically, on June 3, 2015, the No. 1 discharge check valve at the on-site lift station located at the wastewater treatment facility ("WWTF") hung open due to trash in the valve. The raw wastewater flow circulated back into the wet well when the other pump ran due to the open check valve, causing an overflow from the wet well. Approximately 500 gallons of wastewater spilled and the spill was contained within the confines of the WWTF.

Recommended Corrective Action: There shall be no unauthorized discharge of wastewater.

Submit documentation demonstrating the steps taken to prevent the recurrence of unauthorized discharges of wastewater from the on-site lift station. Submit documentation demonstrating that the affected areas have been properly remediated.

Resolution: According to the non-compliance notification form submitted on June 4, 2015, the

BRIAR CREEK WWTP**Investigation # 1356550**

Were the samples collected by the region compliant with the permit limits?

During the investigation, an ammonia-nitrogen grab sample was collected and analyzed. The reported grab sample concentration was 10.5 mg/L. The permitted concentration limit for ammonia-nitrogen single grab samples is 15 mg/L. While the collected ammonia-nitrogen grab sample was compliant with the permitted limit, the grab sample concentration was elevated.

Additionally, during the TCEQ investigator's review of the self-reported effluent data from the wastewater treatment facility ("WWTF"), it was noted that the reported ammonia-nitrogen daily average concentration value of 2.15 mg/L for December 2015 exceeded the permitted effluent limit of 2.0 mg/L.

Was the permittee compliant with the self-monitored effluent limits?

It is recommended that Aqua Development, Inc. take measures at the WWTF to ensure that compliance with all permitted effluent limits, including ammonia-nitrogen, is maintained. There have been two self-reported effluent violations reported in the last 12 months. Specifically, the reported E. coli single grab concentration value of 2,420 CFU/100 mL for August 2015 exceeded the permitted limit of 399 CFU/100 mL and the reported ammonia-nitrogen daily average concentration value of 2.15 mg/L for December 2015 exceeded the permitted effluent limit of 2.0 mg/L.

To be consistent with current effluent violation handling guidelines, these exceedences were addressed as an Additional Issue in this report. However, these exceedences may be subject to formal enforcement action, including penalties, upon review by the Enforcement Division. Compliance with permitted effluent limits must be maintained.

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 29, 2015

CERTIFIED MAIL 91 7199 9991 7033 2858 9119
RETURN RECEIPT REQUESTED

RECEIVED

JUN 03 2015

Mr. Scot Foltz, Environmental Compliance Manager
Aqua Texas, Inc.
1106 Clayton Ln., Ste 400W
Austin, TX 78723

TX ADMIN-AUSTIN

Re: Notice of Violation for Compliance Evaluation Investigation at:
Goforth Wastewater Treatment Plant, 5271 Goforth Rd., Kyle, Hays County, Texas
Regulated Entity No.: RN101513729, TCEQ ID No.: WQ0013293001, EPA ID No.:
TX0100684

Dear Mr. Foltz;

On March 31 and April 01, 2015, Ms. Patricia Phillips of the Texas Commission on Environmental Quality (TCEQ Austin Region Office) conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for wastewater treatment. Enclosed is a summary which lists the investigation findings. In addition, an outstanding alleged violation was identified for which compliance documentation is required. Please submit to this office by June 29, 2015 a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violation.

In the listing of the alleged violation, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Austin Region Office at (512) 339-2929 or the Central Office Publications Ordering Team at 512-239-0028. Copies of applicable federal regulations may be obtained by calling Environmental Protection Agency's Publications at 800-490-9198.

The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. Self-reported violations may be subject to enforcement, including penalties, upon review by the Enforcement Division. We anticipate that you will resolve the alleged violation as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violation documented in this notice. Should you choose to do so, you must notify the Austin Region Office within 10 days from the date of this letter. At that time, Ms. Carolyn Runyon,

TCEQ Region 11 • P.O. Box 13087 • Austin, Texas 78711-3087 • 512-339-2929 • Fax 512-339-3795

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printed on recycled paper using vegetable-based ink

Mr. Scot Foltz
Page 2
May 29, 2015

Water Section Manager, will schedule a violation review meeting to be conducted within 21 days from the date of this letter. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the enclosed Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

If you or members of your staff have any questions regarding these matters, please feel free to contact Ms. Patricia Phillips in the Austin Region Office at (512) 339-2929.

Sincerely,



Shawn Stewart
Water Section Work Leader
Austin Region Office

SS/pjp

cc: Mr. Abel Bautista, Aqua Texas, Inc., 2211 Louetta Rd., Spring, TX 77388 (Include Enclosure)
Mr. Robert "Brian" Robinson, Field Supervisor, Wimberley Area, Aqua Texas, Inc., 2611 FM 2325, Wimberley, TX 78676 (Include Enclosure)

Enclosure: Summary of Investigation Findings

Summary of Investigation Findings

GOFORTH WWTP

5271 GOFORTH RD

KYLE, HAYS COUNTY, TX 78640

Investigation #

1245661

Investigation Date: 03/31/2015

Additional ID(s): WQ0013293001

TX0100684

OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 571234

Compliance Due Date: 06/29/2015

30 TAC Chapter 305.125(1)

PERMIT WQ0013293001, Effluent Limit

pg. 2 of permit

Alleged Violation:

Investigation: 1245661

Comment Date: 05/22/2015

Failed to maintain compliance with the permitted effluent limit for E. Coli. Specifically, the grab sample collected during the investigation was not compliant with the single grab limit of 126 MPN/100 mL for E. Coli. The lab analysis result for the E. Coli sample was 727 MPN/100 mL. The permittee was notified by email of the exceedance on 04/16/2015. The lab analysis and emailed notification of the exceedance are attached to this report.

Recommended Corrective Action: Compliance with the permitted effluent limits must be maintained. Submit documentation describing the action taken to prevent the recurrence of E. Coli violations by the compliance due date.

ADDITIONAL ISSUES

Description

Is the regulated entity compliant with the self-monitored effluent limitations?

Additional Comments

Failed to maintain the effluent within the permitted limit for E. coli. On 12/17/2014, the E. coli was reported as 1,011 MPN/100 mL. The permitted limit for a single grab is 394 MPN/100 mL. Proper notification was received by TCEQ for this exceedance. Self-reported effluent violations may be subject to enforcement, including penalties, upon review by the Enforcement Division.

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



J. 10:11

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution **RECEIVED**

December 13, 2016

TX ADMIN-AUSTIN

FIRST CLASS MAIL

Robert Laughman, President
Aqua Utilities, Inc.
1106 Clayton Lane, Suite 400W
Austin, Texas 78723-2476

RE: Aqua Utilities, Inc.
TCEQ Docket No. 2015-1474-MWD-E; Permit No. WQ0013293001
Agreed Order Assessing Administrative Penalties and Requiring Certain Actions

Enclosed is a copy of an order issued by the Commission.

Questions regarding the order should be directed to the Texas Commission on Environmental Quality's Enforcement Division at (512) 239-2545 or the Litigation Division at (512) 239-3400. If there are questions pertaining to the mailing of the order, then please contact Leslie Gann of the Office of the Chief Clerk at (512) 239-3319.

Sincerely,

Bridget C. Bohac

Bridget C. Bohac
Chief Clerk

BCB/lg

Enclosure

cc: Farhaud Abbaszadeh, Enforcement Coordinator, TCEQ Enforcement Division

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

DEC 13 2016



OF THE COMMISSION GIVEN UNDER MY HAND AND THE
SEAL OF OFFICE ON

Bridget C. Baker
BRIDGET C. BAKER, CHIEF CLERK
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
AQUA UTILITIES, INC.
RN101513729

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

AGREED ORDER
DOCKET NO. 2015-1474-MWD-E

At its **DEC 07 2016** agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Aqua Utilities, Inc. ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that they have certain procedural rights at certain points in the enforcement process, including, but not limited to, 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 Agreed 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 settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed 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 a wastewater treatment facility located approximately four miles southeast of the intersection of Interstate Highway 35 and Farm-to-Market Road 2001

and five miles north of the intersection of State Highway 21 and Farm-to-Market Road 272 in Hays County, Texas (the "Facility").

2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review conducted on August 13, 2015, TCEQ staff documented the following from self-reported discharge monitoring reports ("DMRs"):

Effluent Violation Table						
Monitoring Period	Chlorine Residual Maximum Limit = 4.0 mg/L	Total Suspended Solids Daily Avg. Concentration Limit = 15 mg/L	<i>Escherichia coli</i> Single Grab Concentration Limit = 394 CFU/100 mL	Ammonia Nitrogen Daily Avg. Concentration Limit = 3 mg/L	Ammonia Nitrogen Daily Avg. Loading Limit = 1.1 lbs/day	Flow Daily Avg. Limit = 0.0424 MGD
December 2014	c	c	1011	c	c	c
March 2015	c	c	c	5.11	22.1	c
April 2015	4.3	19.5	1040	4.65	16.6	c
May 2015	c	c	1986	c	c	0.054

CFU/100 mL = colony forming units per 100 milliliters

Avg. = average

mg/L = milligrams per liter

MGD = million gallons per day

lbs/day = pounds per day

c = compliant

4. The Respondent received notice of the violations on September 14, 2015.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013293001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission'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 Ten Thousand Three Hundred Twelve Dollars (\$10,312) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Ten Thousand Three Hundred Twelve Dollar (\$10,312) administrative penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Ten Thousand Three Hundred Twelve Dollars (\$10,312) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Aqua Utilities, Inc., Docket No. 2015-1474-MWD-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. It is further ordered that, within 90 days after the effective date of this Agreed Order, the Respondent shall submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0013293001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and 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:

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

with a copy to:

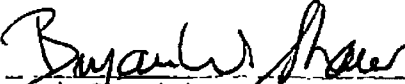
Water Section Manager
Austin Regional Office
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed 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.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

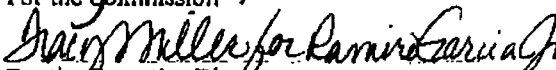
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed 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 Agreed 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

12-9-16
Date


For the Executive Director

10-14-16
Date

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

I understand that by entering into this Agreed Order, Aqua Utilities, Inc. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

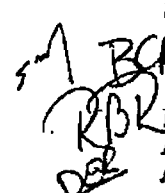
I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office 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 Attorney General's Office 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

12/8/15
Date


Name (Printed or typed)
Authorized Representative of
Aqua Utilities, Inc.

President
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section 117, Paragraph 1 of this Agreed Order.

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 10, 2015

RECEIVED

DEC 14 2015

TX ADMIN-AUSTIN

Mr. Scot Foltz, Environmental Compliance Manager
Aqua Texas, Inc.
1106 Clayton Ln., Ste 400W
Austin, TX 78723

Re: Notice of Compliance with Notice of Violation (NOV) dated May 29, 2015
Goforth Wastewater Treatment Plant,
5271 Goforth Rd., Kyle, Hays County
Regulated Entity No.: RN101513729, TCEQ Additional ID No.: WQ0013293001,
Investigation No. 1245661

Dear Mr. Foltz:

This letter is to inform you that the Texas Commission on Environmental Quality (TCEQ) Austin Regional Office has received adequate compliance documentation on November 19, 2015 to resolve the alleged violation documented during the investigation of the above-referenced regulated entity conducted on March 31 and April 01, 2015. Based on the information submitted, no further action is required concerning this investigation.

The Texas Commission on Environmental Quality appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions, please feel free to contact Ms. Patricia Phillips in the Austin Region Office at (512) 339-2929.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Stewart".

Shawn Stewart
Water Section Work Leader
Austin Region Office

SS/pjp

cc: Mr. Abel Bautista, Aqua Texas, Inc., 2211 Louetta Rd., Spring, TX 77388 (Include Enclosure)
Mr. Robert "Brian" Robinson, Field Supervisor, Wimberley Area, Aqua Texas, Inc., 2611 FM 2325, Wimberley, TX 78676 (Include Enclosure)

Enclosure: Summary of Investigation Findings

TCEQ Region 11 • P.O. Box 13087 • Austin, Texas 78711-3087 • 512-339-2929 • Fax 512-339-3795

Austin Headquarters: 512-239-1000 • tceq.texas.gov • How is our customer service? tceq.texas.gov/customersurvey

printed on recycled paper using vegetable-based ink

Summary of Investigation Findings

GOFORTH WWTP

5271 GOFORTH RD

KYLE, HAYS COUNTY, TX 78640

Investigation #

1295845

Investigation Date: 12/04/2015

Additional ID(s): WQ0013293001

TX0100684

ALLEGED VIOLATION(S) NOTED AND RESOLVED

Track No: 571234

30 TAC Chapter 305.125(1)

PERMIT WQ0013293001, Effluent Limit

pg. 2 of permit

Alleged Violation:

Investigation: 1245661

Comment Date: 05/22/2015

Failed to maintain compliance with the permitted effluent limit for E. Coli. Specifically, the grab sample collected during the investigation was not compliant with the single grab limit of 126 MPN/100 mL for E. Coli. The lab analysis result for the E. Coli sample was 727 MPN/100 mL. The permittee was notified by email of the exceedance on 04/16/2015. The lab analysis and emailed notification of the exceedance are attached to this report.

Investigation: 1275174

Comment Date: 10/27/2015

A follow-up investigation was conducted on 08/27/2015 to determine the compliance status of this alleged violation. On 07/02/2015, TCEQ Region 11 received a response from the permit holder which indicated that a vertical pipe would be installed with a line inside the pipe that dispenses chlorine into the water as it flows into the chlorine contact chamber from the clarifier to maximize the contact with the chlorine. However, there has been no indication of whether this action was done or not. Since no documentation has been received to demonstrate that compliance has been achieved, the RE has been issued a Compliance Documentation Deficiency letter. Please submit to the Region 11 office a written description of corrective action taken and any documentation supporting such actions by 11/13/2015.

Investigation: 1295845

Comment Date: 12/04/2015

A follow-up investigation was conducted on 12/04/2015 to determine the compliance status of this alleged violation.

Recommended Corrective Action: Compliance with the permitted effluent limits must be maintained. Submit documentation describing the action taken to prevent the recurrence of E. Coli violations by the compliance due date.

Resolution: The documentation submitted on 11/19/2015 stated that a vertical pipe has been installed with a line inside the pipe that dispenses chlorine into the water as it flows into the chlorine contact chamber from the clarifier to maximize the contact with the chlorine. The RE provided a photograph of the installed pipe and an invoice showing purchase and installation charges (see Attachment). The actions are sufficient to resolve the violation.

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Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*

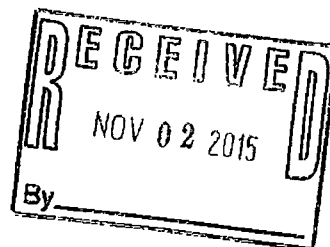


TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 29, 2015

**CERTIFIED MAIL 91 7199 9991 7033 2858 9423
RETURN RECEIPT REQUESTED**



Mr. Scot Foltz, Environmental Compliance Manager
Aqua Texas, Inc.
1106 Clayton Ln., Ste 400W
Austin, TX 78723

Re: Additional Compliance Documentation Needed for:
Notice of Violation for Compliance Evaluation Investigation at:
Goforth Wastewater Treatment Plant, 5271 Goforth Rd., Kyle, Hays County, Texas
Regulated Entity No.: RN101513729, TCEQ ID No.: WQ0013293001, EPA ID No.:
TX0100684

Dear Mr. Foltz;

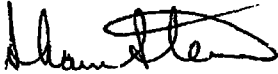
The Texas Commission on Environmental Quality (TCEQ) Austin Region Office has received the compliance documentation that you submitted on July 02, 2015, for the alleged violations noted during the investigation of the above-referenced facility conducted on March 31, 2015. The compliance documentation contained in your response indicated that a vertical pipe would be installed with a line inside the pipe that dispenses chlorine into the water as it flows into the chlorine contact chamber from the clarifier to maximize the contact with the chlorine. There was no indication that this action had been taken or that it resolved the noncompliance issue. Therefore, information is still needed for the alleged violation listed in the enclosed summary. Please submit to our office by November 13, 2015, a written description of corrective action taken and the required compliance documentation demonstrating that the alleged violation has been resolved.

The Texas Commission on Environmental Quality appreciates your assistance in this matter and your compliance efforts to protect the State's environment. We look forward to receiving your response for the remaining alleged violation. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements.

Mr. Scot Foltz
Page 2
October 29, 2015

If you or members of your staff have any questions, please feel free to contact Ms. Patricia Phillips in the Austin Region Office at (512) 339-2929.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Stewart", with a stylized flourish at the end.

Shawn Stewart
Water Section Work Leader
Austin Region Office

SS/pjp

cc: Mr. Abel Bautista, Aqua Texas, Inc., 2211 Louetta Rd., Spring, TX 77388 (Include Enclosure)
Mr. Robert "Brian" Robinson, Field Supervisor, Wimberley Area, Aqua Texas, Inc., 2611 FM 2325, Wimberley, TX 78676 (Include Enclosure)

Enclosure: Summary of Investigation Findings

Summary of Investigation Findings

GOFORTH WWTP

5271 GOFORTH RD
KYLE, HAYS COUNTY, TX 78640

Additional ID(s): WQ0013293001
TX0100684

Investigation #

1275174

Investigation Date: 10/27/2015

OUTSTANDING ALLEGED VIOLATION(S)

Track No: 571234 Compliance Due Date: 11/13/2015

30 TAC Chapter 305.125(1)

PERMIT WQ0013293001, Effluent Limit

pg. 2 of permit

Alleged Violation:

Investigation: 1245661

Comment Date: 05/22/2015

Failed to maintain compliance with the permitted effluent limit for E. Coli. Specifically, the grab sample collected during the investigation was not compliant with the single grab limit of 126 MPN/100 mL for E. Coli. The lab analysis result for the E. Coli sample was 727 MPN/100 mL. The permittee was notified by email of the exceedance on 04/16/2015. The lab analysis and emailed notification of the exceedance are attached to this report.

Investigation: 1275174

Comment Date: 10/27/2015

A follow-up investigation was conducted on 08/27/2015 to determine the compliance status of this alleged violation. On 07/02/2015, TCEQ Region 11 received a response from the permit holder which indicated that a vertical pipe would be installed with a line inside the pipe that dispenses chlorine into the water as it flows into the chlorine contact chamber from the clarifier to maximize the contact with the chlorine. However, there has been no indication of whether this action was done or not. Since no documentation has been received to demonstrate that compliance has been achieved, the RE has been issued a Compliance Documentation Deficiency letter. Please submit to the Region 11 office a written description of corrective action taken and any documentation supporting such actions by 11/13/2015.

Recommended Corrective Action: Compliance with the permitted effluent limits must be maintained. Submit documentation describing the action taken to prevent the recurrence of E. Coli violations by the compliance due date.

Shaw & Co. WWT P

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niernmann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 16, 2016

RECEIVED

DEC 21 2016

TX ADMIN-AUSTIN

Mr. Robert Laughman, President
Aqua Utilities, Inc.
1106 Clayton Lane, Suite 400 W
Austin, Texas 78723

Re: Notice of Compliance with Agreed Order
Aqua Utilities, Inc.; RN102956448
Docket No. 2012-0858-MWD-E; Enforcement Case No. 44025

Dear Mr. Laughman:

This letter is to inform you that a review of Texas Commission on Environmental Quality (TCEQ) records concerning the above-referenced enforcement matter indicates that Aqua Utilities, Inc. has fulfilled the requirements of the Agreed Order effective on March 9, 2013. Specifically, Aqua Utilities, Inc. has fulfilled the technical requirements and has paid the administrative penalty assessed in the Agreed Order. Based upon this, we conclude that your response has been satisfactory and no further action is necessary at this time with respect to this enforcement matter. The Order will remain on the compliance history for this regulated entity for five years from the effective date of the Order.

We appreciate your cooperation, and if we can be of any further assistance, please contact Mr. Michael Tucker at (512) 239-6924.

Sincerely,

Lynley Doyen

Lynley Doyen, Manager
Enforcement Division

cc: Mr. Scot Foltz, Environmental Compliance Manager, Aqua Utilities, Inc., 1106 Clayton Lane, Suite 400 W, Austin, Texas 78723

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 31, 2016

RECEIVED

CERTIFIED MAIL Certified # 91 7199 9991 7033 2764 4222
RETURN RECEIPT REQUESTED

TX ADMIN-AUSTIN

Mr. Scot Foltz, Environmental Compliance Manager
Aqua Utilities
1106 Clayton Lane, Suite 400
Austin, TX 78723

Re: Notice of Enforcement for TCEQ Wastewater Compliance Evaluation Investigation at:
Woodcreek WWTP, S/SE of FM 2325 and Jacob's Well Road, 4 miles north of
Wimberley (Hays County), Texas
TCEQ Permit #WQ0013989001, Investigation #1364693

Dear Mr. Foltz:

On August 22 and September 2, 2016, Ms. Julie White of the Texas Commission on Environmental Quality (TCEQ) Austin Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for wastewater treatment. During this investigation, certain outstanding alleged violations were documented. Enclosed is a summary which lists the investigation findings and recommended corrective actions. Additional recommended corrective actions may be provided by the Enforcement Division.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Austin Region Office at Phone #(512)-339-2929 or the Central Office Publications Ordering Team at 512-239-0028. Copies of applicable federal regulations may be obtained by calling Environmental Protection Agency's Publications at 800-490-9198.

Also, please be advised that the Legislature has granted enforcement powers to the TCEQ to carry out its mission to protect human health and the environment. Due to the apparent seriousness of the alleged violations, formal enforcement action has been initiated, and additional violations may be cited upon further review. We encourage you to immediately begin taking actions to address the outstanding alleged violations.

In responding with prompt corrective action, the administrative penalty to be assessed may be limited.

Mr. Foltz
Page 2
October 31, 2016

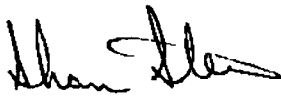
The Commission recognizes that the great majority of the regulated community wants to prevent pollution and to comply with environmental laws. We dedicate considerable resources toward making voluntary compliance achievable. But where compliance has not been met it is our duty to protect the public and the environment by enforcing the state's environmental laws, regulations, and permits.

Also, if you believe the violations documented in this notice have been cited in error, and you have additional information that we are unaware of, you may request a meeting to discuss this enforcement matter. To request a meeting, send a letter describing the additional information to the address shown below.

Manager, Water Section
Enforcement Division, MC 219
Re: Enforcement Meeting Request
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

If you or members of your staff have any questions, please feel free to contact Ms. White in the Austin Region Office at (512) 339-2929.

Sincerely,



Shawn Stewart
Water Section Team Leader
Austin Region Office
Texas Commission on Environmental Quality

SS/jkpw

Attachment: Summary of Investigation Findings

Cc: Mr. Brian Robinson, 2611 FM 2325, Wimberley, TX 78676

SUMMARY OF INVESTIGATION FINDINGS

WOODCREEK WWTP

Investigation #

1364693

Investigation Date: 08/22/2016

, HAYS COUNTY,

Additional ID(s): WQ0013989001

**OUTSTANDING ALLEGED VIOLATION(S)
ASSOCIATED TO A NOTICE OF ENFORCEMENT**

Track No: 621058

Compliance Due Date: To Be Determined

2D TWC Chapter 26.121(a)(1)

30 TAC Chapter 305.125(1)

30 TAC Chapter 305.125(4)

PERMIT WQ0013989001, Permit Conditions

Page 9, Item 2.g

Alleged Violation:

Investigation: 1364693

Comment Date: 10/26/2016

Failed to prevent the unauthorized discharge of wastewater. Specifically, since the last investigation on January 27, 2015, twelve unauthorized discharges were reported.

1/30/2015 Unknown amount from electrical failure at Pro Lane Lift Station

2/11/2015 Approximately 1000 gallons from a line break at Ranchview Lift Station

3/31/2015 Approximately 3000 gallons from a line break on Dolittle Drive

5/03/2015 Approximately 200 gallons from a line break at 10 Woodglen

9/04/2015 Approximately 200 gallons from a pump failure at Brookshire Lift Station

10/30/2015 Approximately 40,000 from a power outage at Pro Lane Lift Station

11/19/2015 Approximately 300 gallons from a line break 300' east of FM2325

11/22/2015 Approximately 2000 gallons from a pump failure at Pro Lane Lift Station

12/31/2015 Approximately 3000 gallons from a line break at Pro Lane Lift Station

1/20/2016 Approximately 16,000 gallons from a line break on Camp Young Judea property

2/08/2016 Approximately 1000 gallons from a pump failure at Emergency Lane Lift Station

7/15/2016 Approximately 500 gallons from a pump failure at High School Lift Station (Carney Lane & FM2325)

Among the unauthorized discharges cited during the January 27, 2015 investigation, there were four discharges at the High School Lift Station (Carney Lane and FM 2325) and two on Dolittle Drive. During the current investigation, there was one unauthorized discharge at the High School Lift Station and one on Dolittle Drive. The High School Lift Station violations were repeat occurrences at the same location within consecutive investigations within the most recent 5-year period. The Dolittle Drive violations were at the same location and similar root cause within consecutive investigations within the most recent 5-year period.

Recommended Corrective Action: There shall be no unauthorized discharge of wastewater.

**ALLEGED VIOLATION(S) NOTED AND RESOLVED
ASSOCIATED TO A NOTICE OF ENFORCEMENT**

Track No: 621076

30 TAC Chapter 305.125(1)

30 TAC Chapter 317.3(e)(5)

Alleged Violation:

Investigation: 1364693

Comment Date: 10/17/2016

Failed to properly maintain the lift station. The SCADA system did not function during the July 16, 2016 discharge event. The system was still out for repairs at the time of the September 2, 2016 investigation; therefore, a telemetry system was not in operation.

Recommended Corrective Action: Submit documentation indicating that the SCADA system has been repaired.

Resolution: On October 25, 2016, the TCEQ Austin Region received documentation indicating that a new SCADA system was installed at the lift station.

ADDITIONAL ISSUES

Description

Item 3

Additional Comments

During the investigation of the wet well, one of the floats was caught causing the pump to run continuously. Mr. Robinson fixed the line during the investigation. There was a thick layer of foam on the top of the water within the wet well. Mr. Robinson informed the investigator that the wet well has to be pumped once a week due to the foam. The foam causes a crust to form on top of the water causing issues with the floats. Mr. Robinson stated that the source of the foam is being investigated.

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 23, 2015

RECEIVED

MAR 25 2015

**CERTIFIED MAIL 91 7199 9991 7033 2858 9461
RETURN RECEIPT REQUESTED**

TX ADMIN-AUSTIN

Mr. Scot Foltz, Environmental Compliance Manager
Aqna Utilities
1106 Clayton Ln., Ste. 400
Austin, TX 78723

Re: Notice of Violation for Compliance Evaluation Investigation at:
Woodcreek Wastewater Treatment Facility, located S/SE of FM 2325 and Jacob's Well
Road, approximately 4 miles N of Wimberley, Hays County
Regulated Entity No. RN102956448, TCEQ ID No. WQ0013989001

Dear Mr. Foltz;

On January 27, 2015, Ms. Patricia Phillips of the Texas Commission on Environmental Quality (TCEQ) Austin Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for wastewater treatment. Enclosed is a summary which lists the investigation findings. The TCEQ Austin Regional Office has received adequate compliance documentation on January 27, 2015, to resolve the alleged violation.

In the listing of the alleged violation, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Austin Region Office at (512) 339-2929 or the Central Office Publications Ordering Team at 512-239-0028.

The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. If you have additional information that we are unaware of, you have the opportunity to contest the violation documented in this notice. Should you choose to do so, you must notify the Austin Region Office within 10 days from the date of this letter. At that time, Program Manager Ms. Carolyn Runyon will schedule a violation review

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Mr. Foltz
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meeting to be conducted within 21 days from the date of this letter. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the attached Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

If you or members of your staff have any questions, please feel free to contact Ms. Patricia Phillips in the Austin Region Office at (512) 339-2929.

Sincerely,



Shawn Stewart
Water Section Work Leader
Austin Region Office

SS/pjp

cc: Abel Bautista, Wastewater Compliance Coordinator, Aqua Texas, Inc., 2211 Louetta Rd.,
Spring, TX 77388 (include Attachment)

Attachment: Summary of Investigation Findings

Summary of Investigation Findings

WOODCREEK WWTP

Investigation #

1224085

Investigation Date: 01/27/2015

, HAYS COUNTY,

Additional ID(s): WQ0013989001

ALLEGED VIOLATIONS NOTED AND RESOLVED ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 564577

2D TWC Chapter 26.121(a)

2D TWC Chapter 26.121(a)(1)

2D TWC Chapter 26.121(a)(3)

2D TWC Chapter 26.121(b)

2D TWC Chapter 26.121(c)

2D TWC Chapter 26.121(d)

2D TWC Chapter 26.121(e)

30 TAC Chapter 305.125(4)

30 TAC Chapter 305.125(5)

TWC Chapter 26.121

TWC Chapter 26.121(a)(2)

PERMIT WQ0013989001, Permit Conditions, Pg. 9, No. 2(g)

Alleged Violation:

Investigation: 1224085

Comment Date: 03/16/2015

Failed to prevent the unauthorized discharge of wastewater. Specifically, during the 18 months preceding the investigation, 13 unauthorized discharges were reported.

09/21/2013 Approximately 3,000 gallons at Camp Young Judea

09/21/2013 Approximately 500 gallons at Lift Station on Cashes Lane

10/13/2013 Approximately 2,000 gallons Lift Station at Woodacre and Pleasant Valley

11/23/2013 Approximately 5,000 gallons at Doolittle Drive

12/13/2013 Approximately 1,000 gallons at Doolittle Drive

01/14/2014 Approximately 500 gallons at 10 Elmwood

02/05/2014 Approximately 5,000 gallons manhole at Woodacre and Pleasant Valley

03/19/2014 Approximately 5,000 gallons at Camp Young Judea

06/08/2014 Approximately 1,500 gallons manhole at Woodacre and Pleasant Valley

07/07/2014 Approximately 200 gallons manhole at Woodacre and Pleasant Valley

07/25/2014 Approximately 1,000 gallons manhole near FM 2325 and Carney Lane

07/26/2014 Approximately 1,000 gallons manhole near FM 2325 and Carney Lane

07/31/2014 Approximately 1,000 gallons manhole near FM 2325 and Carney Lane

In each instance, the proper notification was submitted to TCEQ indicating appropriate actions were taken to remedy each unauthorized discharge. The permit holder discussed the maintenance that has been on-going within the collection system. Numerous issues have been the focus of the permittee's efforts including conducting a manhole survey and outreach projects aimed at getting grinder pumps owned by homeowners properly maintained. The permittee has had no incidents since August 2014.

Recommended Corrective Action: There shall be no unauthorized discharge of wastewater or any other waste into or adjacent to waters of the state. In each case, the permittee has submitted documentation showing that the discharges were properly addressed.

Resolution: The permittee reportedly replaced numerous sections of line and repaired/replaced the electrical parts that caused issues. Since there have been no further incidents within the collections system since August, the violation is resolved.

Water Systems/CCNs Descriptions

Attachment

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Kerr County:

Loma Vista- CCN 11484- PWSID 1330041

The area subject to this transaction is located within approximately .6 miles **south/southwest** of downtown **Kerrville, Texas**, and is generally located on the **north** by **SH Spur 98**; on the **east** by **SH 16**; on the **south** by **Ranchero Rd**; and on the **west** by **Sheppard Rees Rd**.

The total area being requested includes approximately 2,668 acres and serves 1,162 current customers.

West Creek Estates- CCN 11484- PWSID 1330028 (2 separate areas)

The area subject to this transaction is located within approximately 5 miles **south/southwest** of downtown **Kerrville, Texas**, and is generally located on the **north** by **750' north of SH 16**; on the **east** by **Deer Park Rd**; and on the **south** by **750' south of FM 2771**; and on the **west** by **SH 16**..

The total area being requested includes approximately 1,003 acres and serves 136 current customers.
