



Control Number: 51454



Item Number: 7

Addendum StartPage: 0

DOCKET NO. 51454

APPLICATION OF AQUA UTILITIES,	§	BEFORE THE PUBLIC UTILITY
INC. AND AQUA TEXAS, INC. FOR	§	
SALE, TRANSFER, OR MERGER OF	§	COMMISSION OF TEXAS
FACILITIES AND CERTIFICATE	§	
RIGHTS IN VICTORIA COUNTIES	§	

APPLICANTS' SUPPLEMENTAL APPLICATION INFORMATION

COME NOW Aqua Utilities, Inc. and Aqua Texas, Inc. (collectively, Applicants or Aqua) and file this Supplemental Application Information. In support, Applicants would show as follows.

On November 20, 2020, Commission Staff (Staff) filed its initial recommendation in this matter and recommended finding the application administratively incomplete.¹ Staff stated that it has “identified violations for both the water and sewer systems being transferred” and “recommend that the Applicants provide documentation showing that the violations have been addressed or provide details describing how each violation will be addressed.”² Order No. 2 directed Aqua to supplement the Application “to cure the deficiencies as described” by Staff in its initial recommendation.³

In response, Applicants report as follows with respect to the wastewater system proposed for transfer in the Application. In July 2020, TCEQ informed Aqua that a few effluent violations from 2019 were identified during a record review in June 2020. Aqua generally denies TCEQ’s allegations, but Aqua has agreed to settle the matter. Aqua acknowledges that some problems existed at this wastewater treatment plant which have since been corrected. The plant has a unique design and Aqua had recently retained a new contract operator. The problems were corrected with

¹ Commission Staff’s Recommendation on Administrative Completeness and Proposed Notice (Nov. 20, 2020).

² *Id.* at attached Staff Memorandum.

³ Order No. 2 Finding Application Incomplete and Deficient, and Establishing an Opportunity to Cure (Nov. 23, 2020).

additional training and oversight by the operations supervisor in charge and Aqua's wastewater compliance personnel. Operations at this wastewater treatment plant have significantly improved and its effluent discharge is fully compliant with Aqua's permit today. Aqua is waiting on TCEQ approval of an agreed order, proposed to Aqua in early October 2020, documenting the settlement so that Aqua can then certify compliance, which is why the matter remains open at TCEQ. The proposed agreed order is attached as **Exhibit A** hereto. Applicants inadvertently left this matter off its enforcement action summary list included as Application Attachment 9 and hereby supplements the record.

With respect to the water system proposed for transfer in the Application, Aqua reported its open TCEQ enforcement issues in Attachment 9.⁴ Aqua also included some documentation regarding same.⁵ Additional documentation concerning these items is attached as **Exhibit B**. Aqua has agreed to a settlement with TCEQ for these items presented in a proposed agreed order to Aqua in August 2020 and Aqua is waiting on TCEQ to approve it. That document is included in **Exhibit C**. The proposed agreed order contemplates certain compliance items and Aqua has completed all of them except two. Aqua still needs to submit as-built plans for a well pump that was replaced during an emergency and the addition of a phosphate iron sequestering feed system to address customer service complaints about discolored water. Aqua anticipates completing these items by mid-January 2021. Drinking water quality for the system is compliant with TCEQ requirements. Procedurally, Aqua will not be able to certify compliance with the agreed order documenting settlement until TCEQ approves it.

In sum, Aqua has taken steps to correct all outstanding alleged violations noted by TCEQ with respect to the water and wastewater systems proposed for transfer in the Application and all

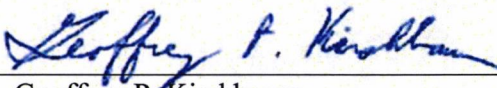
⁴ Application for Sale, Transfer, or Merger of a Retail Public Utility at pp. 76–263 (Nov. 10, 2020).

⁵ *Id.*

will be complete very soon. Aqua reminds the Commission that this particular Application only involves a transfer between two entities owned by the same parent corporation and day-to-day operations will not change as a result of the transfer.

Respectfully, with this additional information, Aqua Texas, Inc. and Aqua Utilities, Inc. request the Commission deem the application administratively complete. Further, Applicants ultimately seek Commission approval for the application.

Respectfully submitted,

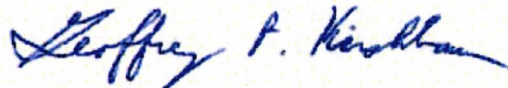
By: 

Geoffrey P. Kirshbaum
State Bar No. 24029665
TERRILL & WALDROP
810 W. 10th Street
Austin, Texas 78701
(512) 474-9100
(512) 474-9888 (fax)
gkirshbaum@terrellwaldrop.com

**ATTORNEYS FOR AQUA UTILITIES, INC. AND AQUA
TEXAS, INC.**

CERTIFICATE OF SERVICE

I hereby CERTIFY that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on December 28, 2020 in accordance with the Orders Suspending Rules issued in Project No. 50664.



Geoffrey P. Kirshbaum

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

RECEIVED

OCT 02 2020

September 30, 2020

TX ADMIN
AUSTIN

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

Re: Proposed Agreed Order
Aqua Texas, Inc.; RN101516789; TPDES Permit No. WQ0010742001
Docket No. 2020-1060-MWD-E; Enforcement Case No. 59685
FOR SETTLEMENT PURPOSES ONLY

Dear Mr. Laughman:

The Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ") is pursuing an enforcement action against Aqua Texas, Inc. for violations of the Texas Water Code and Commission Rules. These violations were discovered during a record review conducted on June 8, 2020, and documented in a letter dated July 31, 2020, from the TCEQ Compliance Monitoring Section.

Please find enclosed a proposed agreed order which we have prepared in an attempt to expedite this enforcement action. The order assesses an administrative penalty of \$19,125. We are proposing a one-time offer to defer \$3,825 of the administrative penalty if you satisfactorily comply with all the ordering provisions within the time frames listed. Therefore, the administrative penalty to be paid is \$15,300. The order also identifies the violations that we are addressing and identifies specific technical requirements necessary to resolve them.

If you have any questions regarding this matter, we are available to discuss them in a conference in Austin or over the telephone. If we reach agreement in a timely manner, the TCEQ will then proceed with the remaining procedural steps to settle this matter. These steps include publishing notice of the proposed order in the *Texas Register*, and scheduling the matter for approval by the Commission. We believe that handling this matter expeditiously could save Aqua Texas, Inc. and the TCEQ a significant amount of time, as well as the expense associated with litigation.

Enclosed for your convenience is a return envelope. If you agree with the order as proposed, please sign and return the original order **and** the penalty payment (check payable to "TCEQ" and referencing Aqua Texas, Inc., Docket No. 2020-1060-MWD-E) to:

Mr. Robert A. Laughman
Page 2
September 30, 2020

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

Should you believe you are unable to pay the proposed administrative penalty, you may claim financial inability to pay part or all of the penalty amount. In order to qualify for financial inability to pay, the penalty must exceed \$3,600 and be greater than 1% of annual gross revenues. If this is the case, please contact us immediately to obtain a list of financial disclosure documents that must be submitted within 30 days of the receipt of this letter. These documents, once properly completed and submitted, will be thoroughly reviewed to determine if we agree with the claim of financial inability. Please be aware that if financial inability is proven to the satisfaction of staff, discussions pertaining to the penalty amount adjustment will focus only on deferral and not on waiver of the penalty amount.

You may be able to perform or contribute to a Supplemental Environmental Project ("SEP"), which is a project that benefits the environment, to offset a portion of your penalty. **If you are interested in performing an SEP, you must agree to the penalty amount and submit an SEP proposal within 30 days of receipt of this proposed order.**

For additional information about the types of SEPs available and eligibility criteria, please go to the TCEQ's web site link at <https://www.tceq.texas.gov/compliance/enforcement/sep> or contact the Enforcement Coordinator listed below.


Please note that any agreements we reach are subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).

If we cannot reach a settlement of this enforcement action or you do not wish to participate in this expedited process, we will proceed with enforcement under the Commission's Enforcement Rules, 30 TEX. ADMIN. CODE ch. 70. Specifically, if the signed order and penalty are not mailed and postmarked within 60 days from the date of this letter, your case will be forwarded to the Litigation Division and this settlement offer, including the penalty deferral, will no longer be available. The enforcement process described in 30 TEX. ADMIN. CODE ch. 70 requires the staff to prepare and issue an Executive Director's Preliminary Report and Petition to the Commission. If you would like to obtain a copy of 30 TEX. ADMIN. CODE ch. 70, or any other TCEQ rules, the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI-032) are located on our agency website at <http://www.tceq.texas.gov> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from the Central Office Publications Ordering Team at (512) 239-0028.

Mr. Robert A. Laughman
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September 30, 2020

For any questions or comments about this matter or to arrange a meeting, please contact Ms. Alyssa Loveday of my staff at alyssa.loveday@tceq.texas.gov or (512)-239-5504.

Sincerely,



Laurie Eaves, Manager
Enforcement Division
Texas Commission on Environmental Quality

LE/al

Enclosures: Proposed Agreed Order, Return Envelope, Penalty Calculation Worksheet,
Effluent Violation Table, Site Compliance History

cc: Mr. Abel Bautista, Aqua Texas, Inc., Wastewater Compliance Coordinator, 2211 Louetta
Road, Spring, Texas 77388

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
AQUA TEXAS, INC.
RN101516789**

§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2020-1060-MWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Aqua Texas, Inc. (the "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 1,400 feet southeast of the intersection of United States Highway 59T Business and Ybarra Drive, in Victoria County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$19,125 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$15,300 of the penalty and \$3,825 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

During a record review conducted on June 8, 2020, an investigator documented that the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010742001, Effluent Limitations and Monitoring Requirements No. 1, as shown in the effluent violation table below:

Monitoring Period	BOD ₅	<i>Escherichia coli</i>		Total Suspended Solids		
	Daily Avg. Conc. Limit = 20 mg/L	Daily Avg. Conc. Limit = 126 CFU/100ml	Single Grab Conc. Limit = 399 CFU/100 ml	Daily Avg. Conc. Limit = 20 mg/L	Single Grab Conc. Limit = 65 mg/L	Daily Avg. Loading Limit = 8.3 lbs/day
August 2019	25.8	509	2,419	40	c	9.25
October 2019	25.5	c	2,419	43	75	11.34
November 2019	c	c	2,419	c	c	c

Avg. = average
mg/L = milligrams per liter
c = compliant
Conc. = concentration

CFU/100 ml = colony-forming units per 100 milliliters
lbs/day = pounds per day
BOD₅ = biochemical oxygen demand (5-day)

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Aqua Texas, Inc., Docket No. 2020-1060-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. The Respondent shall, within 180 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010742001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, or other records to demonstrate compliance with the permitted effluent limitations. 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:

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
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5839

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. If the Respondent fails to comply with any of the Ordering Provisions in this 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 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.
6. 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 Order Compliance Team at the address listed above.
7. 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.
8. 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.

9. 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

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 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

Date

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

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.

Aqua Texas, Inc.
 TPDES Permit No. WQ0010742001
 Docket No. 2020-1060-MWD-E
 Case No. 59685

Effluent Violation Table						
Monitoring Period	BOD ₅	<i>Escherichia coli</i>		Total Suspended Solids		
	Daily Avg. Conc. Limit = 20 mg/L	Daily Avg. Conc. Limit = 126 CFU/100 ml	Single Grab Conc. Limit = 399 CFU/100 ml	Daily Avg. Conc. Limit = 20 mg/L	Single Grab Conc. Limit = 65 mg/L	Daily Avg. Loading Limit = 8.3 lbs/day
August 2019	25.8	509	2,419	40	c	9.25
October 2019	25.5	c	2,419	43	75	11.34
November 2019	c	c	2,419	c	c	c

Avg. = average
 mg/L = milligrams per liter
 c = compliant
 Conc. = concentration

CFU/100 ml = colony-forming units per 100 milliliters
 lbs/day = pounds per day
 BOD₅ = biochemical oxygen demand (5-day)



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES**Assigned**

10-Aug-2020

PCW

14-Aug-2020

Screening

14-Aug-2020

EPA Due**RESPONDENT/FACILITY INFORMATION****Respondent** Aqua Texas, Inc.**Reg. Ent. Ref. No.** RN101516789**Facility/Site Region** 14-Corpus Christi**Major/Minor Source** Minor**CASE INFORMATION****Enf./Case ID No.** 59685**Docket No.** 2020-1060-MWD-E**Media Program(s)** Water Quality**Multi-Media** 30**No. of Violations** 1**Order Type** 1660**Government/Non-Profit** No**Enf. Coordinator** Alyssa Loveday**EC's Team** Enforcement Team 1**Admin. Penalty \$ Limit Minimum**

\$0

Maximum

\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)**Subtotal 1** \$11,250**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

Compliance History

20.0%

Adjustment**Subtotals 2, 3, & 7**

\$2,250

Notes

Enhancement for four months of self-reported effluent violations.

Culpability

No

0.0%

Enhancement**Subtotal 4**

\$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments**Subtotal 5**

\$0

Economic Benefit**Total EB Amounts** \$222,581**Estimated Cost of Compliance** \$1,400,000

50.0% Enhancement*

*Capped at the Total EB \$ Amount

Subtotal 6

\$5,625

SUM OF SUBTOTALS 1-7**Final Subtotal**

\$19,125

OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%

Reduces or enhances the Final Subtotal by the indicated percentage.

Adjustment

\$0

Notes**Final Penalty Amount**

\$19,125

STATUTORY LIMIT ADJUSTMENT**Final Assessed Penalty**

\$19,125

DEFERRAL

20.0%

Reduction**Adjustment**

-\$3,825

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$15,300

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN604062463, RN101516789, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or Owner/Operator: CN604062463, Aqua Texas, Inc. **Classification:** SATISFACTORY **Rating:** 5.86

Regulated Entity: RN101516789, BRENTWOOD MANOR SUBDIVISION WWTP **Classification:** SATISFACTORY **Rating:** 0.89

Complexity Points: 4 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: Approximately 1,400 feet southeast of the intersection of United States Highway 59T Business and Ybarra Drive, in Victoria County, Texas

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):
WASTEWATER PERMIT WQ0010742001 **WASTEWATER EPA ID** TX0024601
WASTEWATER LICENSING LICENSE WQ0010742001

Compliance History Period: September 01, 2014 to August 31, 2019 **Rating Year:** 2019 **Rating Date:** 09/01/2019

Date Compliance History Report Prepared: August 14, 2020

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 14, 2019 to August 14, 2020

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Alyssa Loveday **Phone:** (512) 239-5504

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? YES
- 3) Who is the current owner/operator? Aqua Texas, Inc. OWNER OPERATOR since 4/11/2018
- 4) Who was/were the prior owner(s)/operator(s)? Aqua Utilities, Inc., OWNER, 1/1/1800 to 7/24/2019

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

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

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

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

Item 1	October 21, 2019	(1613505)
Item 2	January 17, 2020	(1634314)
Item 3	February 19, 2020	(1640930)
Item 4	March 16, 2020	(1647449)
Item 5	April 17, 2020	(1653789)
Item 6	May 19, 2020	(1660371)
Item 7	June 19, 2020	(1666884)

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: 08/31/2019 (1606659)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 2 Date: 10/31/2019 (1619320)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 3 Date: 11/30/2019 (1626673)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 4 Date: 02/27/2020 (1625432)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.126(a)
 Operational Requirements; No. 8(a) PERMIT
Description: Failed to initiate engineering and financial planning or obtain a waiver for expansion and/or upgrading of the wastewater treatment and/or collection facilities when the flow at the wastewater treatment plant reaches 75% of the permitted daily average or annual average flow for three consecutive months.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Effluent Limitations; No. 2, Pg. 2 PERMIT
Description: Failed to maintain compliance with the permitted effluent limits.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 319, SubChapter A 319.7(d)
 Monitoring and Reporting Reqs; No. 1 PERMIT
Description: Failed to provide monitoring results at the intervals specified in the permit.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 Operational Requirements; No. 1, Pg. 13 PERMIT
Description: Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 Operational Requirements; No. 1 PERMIT
Description: Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 319, SubChapter A 319.1
 Monitoring and Reporting Reqs; No. 1 PERMIT
Description: Failed to accurately complete the discharge monitoring reports.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Monitoring and Reporting Reqs; No. 7(c) PERMIT
Description: Failed to provide notification within five days of becoming aware of any effluent violation which deviates from the permitted effluent limitation by more than 40%.

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

From: [Montes, Joaquin O](#)
To: [aaron.vincent@tceq.texas.gov](#); [Smith, Gregory I](#)
Cc: [Foltz, Scot W](#); [Garcia, Chris A](#)
Subject: FW: 05072020_Brentwood NOE
Date: Thursday, August 13, 2020 6:21:35 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[Brentwood GST 4.jpg](#)
[Brentwood GST 3.jpg](#)
[Brentwood GST 2.jpg](#)
[Brentwood GST.jpg](#)
[Brentwood GST 5.jpg](#)

From: Smith, Gregory I <GSmith@aquaamerica.com>
Sent: Tuesday, May 12, 2020 9:24 AM
To: Montes, Joaquin O <JOMontes@aquaamerica.com>
Cc: Garcia, Chris A <CAGarcia@aquaamerica.com>
Subject: RE: 05072020_Brentwood NOE

Please see the picture of the GST repairs. I have spoken with CDC to get them to excavate to be sure that there is a casing on the water line under the creek. I will have this documentation as soon as possible.

From: Montes, Joaquin O <JOMontes@aquaamerica.com>
Sent: Thursday, May 07, 2020 5:00 PM
To: Smith, Gregory I <GSmith@aquaamerica.com>
Cc: Garcia, Chris A <CAGarcia@aquaamerica.com>
Subject: 05072020_Brentwood NOE

Please provide me any documentation to resolve any of the allegations contained in this notice of enforcement.

aqua_cv_signature_2



JOAQUIN O. MONTES
Drinking Water Compliance Coordinator
Aqua Texas Inc.
1106 Clayton Lane, Suite 400W, Austin, Texas 78723
O: 512.990.4400 ext. 56109 M: 512.529.9750
☐ ☐ ☐











From: [Montes, Joaquin O](#)
To: aaron.vincent@tceq.texas.gov; [Smith, Gregory I](#)
Cc: [Garcia, Chris A](#); [Foltz, Scot W](#)
Subject: FW: [EXTERNAL] Brentwood (PWS 2350005) Follow-Up
Date: Thursday, August 13, 2020 6:24:56 PM
Attachments: [image001.png](#)

From: Smith, Gregory I <GSmith@aquaamerica.com>
Sent: Monday, March 2, 2020 9:15 AM
To: Montes, Joaquin O <JOMontes@aquaamerica.com>; Foltz, Scot W <SWFoltz@aquaamerica.com>
Subject: FW: [EXTERNAL] Brentwood (PWS 2350005) Follow-Up

These pictures were sent to TCEQ today for the Brentwood inspection.

From: Smith, Gregory I
Sent: Monday, March 02, 2020 9:14 AM
To: 'Eric Lindgren' <Eric.Lindgren@Tceq.Texas.Gov>
Subject: RE: [EXTERNAL] Brentwood (PWS 2350005) Follow-Up

Please see the pictures. This is the welding that was done on the Brentwood GST on Friday. As I mentioned in our conversation we also chlorinated and flushed the well at the same time of this project. I will be working on resolving these other issues.

From: Eric Lindgren <Eric.Lindgren@Tceq.Texas.Gov>
Sent: Friday, February 28, 2020 4:54 PM
To: Smith, Gregory I <GSmith@aquaamerica.com>
Subject: [EXTERNAL] Brentwood (PWS 2350005) Follow-Up

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greg,

Per our conversation, I have attached an Exit interview Form to this email requesting any documentation to address the outstanding items from our inspection last fall (investigation no. 1581678). I put a due date of COB next Friday (March 6, 2020) that way I can get any of them resolved out before my letter is mailed out. I have also attached a copy of the letter from last fall's inspection for reference.

As for the question about the backflow assembly at the WWTP, the last thing I received was the testing from you sent me May 2019 where it said it passed but the recorded pressure weren't passing. I have attached that email as reference. If there is something more recent than that, send it over and I will take a look at it.

As for the item regarding a watertight encasement for the line that cross underneath the creek, you can request an exception to that rule so you don't have to dig it all up to see if it's encased or not.

If you have any questions, feel free to give me a call.

Thanks,

Eric Lindgren

Senior Environmental Investigator

TCEQ Corpus Christi - Region 14 | Water Section

6300 Ocean Dr., NRC Bldg., Ste. 1200, Unit 5839

Corpus Christi, TX 78412

p. 361-825-3127

f. 361-825-3101

e. eric.lindgren@tceq.texas.gov

www.tceq.texas.gov











From: [Montes, Joaquin O](#)
To: aaron.vincent@tceq.texas.gov
Cc: [Smith, Gregory I](#); [Garcia, Chris A](#); [Foltz, Scot W](#)
Subject: 08132020_Brentwood TX2350005_PAO_DN2020-0665-pws-e ECN59325_08102020
Date: Thursday, August 13, 2020 6:19:52 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[Brentwood TX2350005_PAO_DN2020-0665-pws-e ECN59325_08102020.pdf](#)
[RE 05122020 RE 05122020 RE 05072020 Brentwood NOE.msg](#)
[FW EXTERNAL TCEQ Enforcement - Aqua Utilities Inc \(Brentwood Subdivision\).msg](#)
Importance: High

Mr. Vincent please look at the attached emails were several of these findings had been resolved.

aqua_cv_signature_2



JOAQUIN O. MONTES
Drinking Water Compliance Coordinator
Aqua Texas Inc.
1106 Clayton Lane, Suite 400W, Austin, Texas 78723
O: 512.990.4400 ext. 56109 M:512.529.9750
☐ ☐ ☐

From: Montes, Joaquin O <JOMontes@aquaamerica.com>
Sent: Tuesday, August 11, 2020 6:08 PM
To: Smith, Gregory I <GSmith@aquaamerica.com>; Garcia, Chris A <CAGarcia@aquaamerica.com>; Foltz, Scot W <SWFoltz@aquaamerica.com>; Schroeter, Laura B <LBSchroeter@aquaamerica.com>
Subject: Brentwood TX2350005_PAO_DN2020-0665-pws-e ECN59325_08102020

aqua_cv_signature_2



JOAQUIN O. MONTES
Drinking Water Compliance Coordinator
Aqua Texas Inc.
1106 Clayton Lane, Suite 400W, Austin, Texas 78723
O: 512.990.4400 ext. 56109 M:512.529.9750
☐ ☐ ☐

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 10, 2020

Mr. Robert Laughman, President
Aqua Utilities, Inc.
762 West Lancaster Avenue
Bryn Mawr, Pennsylvania 19010-3489
RLLaughman@AquaAmerica.com

Re: Proposed Agreed Order
Aqua Utilities, Inc.; RN102673894; Public Water Supply ID No. 2350005
Docket No. 2020-0665-PWS-E; Enforcement Case No. 59325
FOR SETTLEMENT PURPOSES ONLY

Dear Mr. Laughman:

The Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ") is pursuing an enforcement action against Aqua Utilities, Inc. for violations of the Texas Health & Safety Code and Commission Rules. These violations were discovered during an investigation conducted on January 16, 2020, and documented in a letter dated April 22, 2020, from the TCEQ Corpus Christi Regional Office.

Please find enclosed a proposed agreed order which we have prepared in an attempt to expedite this enforcement action. The order assesses an administrative penalty of \$9,630, identifies the violations that we are addressing, and identifies specific technical requirements necessary to resolve them.

If you have any questions regarding this matter, we are available to discuss them in a conference in Austin or over the telephone. If we reach agreement in a timely manner, the TCEQ will then proceed with the remaining procedural steps to settle this matter. These steps include publishing notice of the proposed order in the *Texas Register*, and scheduling the matter for approval by the Commission. We believe that handling this matter expeditiously could save Aqua Utilities, Inc. and the TCEQ a significant amount of time, as well as the expense associated with litigation.

Enclosed for your convenience is a return envelope. If you agree with the order as proposed, please sign and return the original order **and** the penalty payment (check payable to "TCEQ" and referencing Aqua Utilities, Inc., Docket No. 2020-0665-PWS-E) to:

Mr. Robert Laughman
Page 2
August 10, 2020

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

Should you believe you are unable to pay the proposed administrative penalty, you may claim financial inability to pay part or all of the penalty amount. In order to qualify for financial inability to pay, the penalty must exceed \$3,600 and be greater than 1% of annual gross revenues. If this is the case, please contact us immediately to obtain a list of financial disclosure documents that must be submitted within 30 days of the receipt of this letter. These documents, once properly completed and submitted, will be thoroughly reviewed to determine if we agree with the claim of financial inability. Please be aware that if financial inability is proven to the satisfaction of staff, discussions pertaining to the penalty amount adjustment will focus only on deferral and not on waiver of the penalty amount.

You may be able to perform or contribute to a Supplemental Environmental Project ("SEP"), which is a project that benefits the environment, to offset a portion of your penalty. **If you are interested in performing an SEP, you must agree to the penalty amount and submit an SEP proposal within 30 days of receipt of this proposed order.**

For additional information about the types of SEPs available and eligibility criteria, please go to the TCEQ's web site link at <http://www.tceq.texas.gov/legal/sep/> or contact the Enforcement Coordinator listed below.

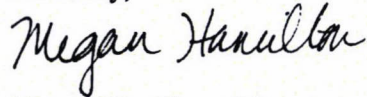
Please note that any agreements we reach are subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).

If we cannot reach a settlement of this enforcement action or you do not wish to participate in this expedited process, we will proceed with enforcement under the Commission's Enforcement Rules, 30 TEX. ADMIN. CODE ch. 70. Specifically, if the signed order and penalty are not mailed and postmarked within 60 days from the date of this letter, your case will be forwarded to the Litigation Division and this settlement offer will no longer be available. The enforcement process described in 30 TEX. ADMIN. CODE ch. 70 requires the staff to prepare and issue an Executive Director's Preliminary Report and Petition to the Commission. If you would like to obtain a copy of 30 TEX. ADMIN. CODE ch. 70, or any other TCEQ rules, the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI-032) are located on our agency website at <http://www.tceq.texas.gov> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from the Central Office Publications Ordering Team at (512) 239-0028.

Mr. Robert Laughman
Page 3
August 10, 2020

For any questions or comments about this matter or to arrange a meeting, please contact Mr. Aaron Vincent of my staff at (512) 239-0855 or Aaron.Vincent@tceq.texas.gov.

Sincerely,

A handwritten signature in black ink that reads "Megan Hamilton". The signature is written in a cursive, flowing style.

Megan Hamilton, Manager
Enforcement Division
Texas Commission on Environmental Quality

MH/av

Enclosures: Proposed Agreed Order, Penalty Calculation Worksheet, Site Compliance History

cc: Mr. Joaquin O. Montes, Drinking Water Compliance Coordinator, Aqua Texas, Inc.,
1106 Clayton Lane, Suite 400W, Austin, Texas 78723, JOMontes@AquaAmerica.com

Mr. Scot W. Foltz, Environmental Compliance Manager, Aqua Texas, Inc., 1106 Clayton
Lane, Suite 400W, Austin, Texas 78723, SWFoltz@AquaAmerica.com

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
AQUA UTILITIES, INC.
RN102673894**

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

AGREED ORDER DOCKET NO. 2020-0665-PWS-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Aqua Utilities, Inc. (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 it has 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 303 Cambridge Street near Victoria, Victoria County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 151 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(71).
2. During an investigation conducted on January 16, 2020, an investigator documented that:
 - a. The waterline crossing Marcado Creek was not in a separate watertight pipe encasement with valves on each side, nor had the Facility obtained permission from the Executive Director to omit the watertight pipe encasement.
 - b. A hole was observed on the roof of the 0.043 million-gallon ("MG") ground storage tank ("GST").

- c. The Respondent did not notify the Executive Director prior to replacing the well pump rated at 150 gallons per minute ("gpm") and the 15-horsepower motor at Well No. 3 with a well pump rated at 95 gpm and a 7.5-horsepower motor.
 - d. Water samples collected from the distribution system on January 16, 2020 were discolored due to elevated levels of suspended solids.
 - e. A Backflow Prevention Assembly ("BPA") Test and Maintenance Report form noted that the relief valve was not opening during a test on the reduced pressure zone device ("RPZ") installed at the wastewater treatment plant, indicating that the RPZ had reduced backflow prevention capabilities and it was not operating within the manufacturer's specifications.
3. The Executive Director recognizes that by February 29, 2020, the Respondent repaired the hole on the roof of the 0.043 MG GST.

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.a, the Respondent failed to encase the waterline in a separate watertight pipe encasement and provide valves on each side of the crossing when waterlines are laid under any flowing or intermittent stream, in violation of 30 TEX. ADMIN. CODE § 290.44(f)(2).
- 3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
- 4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to notify the Commission prior to making any significant change or addition where the change in the existing distribution system results in an increase or decrease in production, treatment, storage, or pressure maintenance capacity, in violation of 30 TEX. ADMIN. CODE § 290.39(j)(1)(A) and TEX. HEALTH & SAFETY CODE § 341.0351.
- 5. As evidenced by Finding of Fact No. 2.d, the Respondent failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4).
- 6. As evidenced by Finding of Fact No. 2.e, the Respondent failed to have all BPAs tested upon installation and on an annual basis by a recognized BPA tester and certify that they are operating within specifications, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(4).

7. 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.
8. An administrative penalty in the amount of \$9,630 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 \$9,630 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. 8 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: Aqua Utilities, Inc., Docket No. 2020-0665-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 60 days after the effective date of this Order:
 - i. Maintain all distribution system lines free of excessive solids, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - ii. Ensure that all BPAs are tested upon installation and on an annual basis by a recognized BPA tester and certify that they are operating within specifications, including but not limited to the RPZ installed at the wastewater treatment plant, in accordance with 30 TEX. ADMIN. CODE § 290.44.
 - b. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i and 2.a.ii.

- c. Within 90 days after the effective date of this Order, ensure that all waterlines that are laid under any flowing or intermittent stream are encased in a separate watertight pipe and valves are provided on each side of the stream crossing, or obtain permission from the Executive Director for the watertight pipe encasement to be omitted, including but not limited to the waterline at Marcado Creek, in accordance with 30 TEX. ADMIN. CODE § 290.44.
- d. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.
- e. Within 180 days after the effective date of this Order, submit accurate, up-to-date, and detailed as-built plans, specifications, and engineering reports for the significant changes made to the Facility's production, including but not limited to the replaced well pump and motor at Well No. 3, in accordance with 30 TEX. ADMIN. CODE § 290.39. The plans, specifications, and reports shall be submitted to:

Plan Review Team
Water Supply Division, MC 159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning plans and specifications within 15 days after the date of such requests, or by any other deadline specified in writing.

- f. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e.
- g. Within 270 days after the effective date of this Order, obtain approval of the as-built plans and specifications for the significant changes made to the Facility from the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.39.
- h. Within 285 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.g. 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:

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
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5839

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 Order Compliance Team 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

For the Executive Director

Date

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

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

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

Date

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

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.



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES Assigned **27-Apr-2020**
PCW **20-May-2020** Screening **7-May-2020** EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent **Aqua Utilities, Inc.**
Reg. Ent. Ref. No. **RN102673894**
Facility/Site Region **14-Corpus Christi** Major/Minor Source **Major**

CASE INFORMATION

Enf./Case ID No. **59325** No. of Violations **5**
Docket No. **2020-0665-PWS-E** Order Type **Findings**
Media Program(s) **Public Water Supply** Government/Non-Profit **No**
Multi-Media Enf. Coordinator **Aaron Vincent**
EC's Team **Enforcement Team 2**
Admin. Penalty \$ Limit Minimum **\$50** Maximum **\$5,000**

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 **\$9,350**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **5.0%** Adjustment Subtotals 2, 3, & 7 **\$467**

Notes **Enhancement for one NOV with the same/similar violations.**

Culpability **No** **0.0%** Enhancement Subtotal 4 **\$0**

Notes **The Respondent does not meet the culpability criteria.**

Good Faith Effort to Comply Total Adjustments Subtotal 5 **-\$187**

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

Total EB Amounts **\$1,223**
Estimated Cost of Compliance **\$6,000**
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal **\$9,630**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$9,630**

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty **\$9,630**

DEFERRAL **0.0%** Reduction Adjustment **\$0**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes **No deferral is recommended for Findings Orders.**

PAYABLE PENALTY **\$9,630**

Screening Date 7-May-2020

Docket No. 2020-0665-PWS-E

PCW

Respondent Aqua Utilities, Inc.

Case ID No. 59325

Reg. Ent. Reference No. RN102673894

Media Public Water Supply

Enf. Coordinator Aaron Vincent

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

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>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for one NOV with the same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 5%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 5%

Screening Date 7-May-2020
Respondent Aqua Utilities, Inc.
Case ID No. 59325

Docket No. 2020-0665-PWS-E

PCW

Policy Revision 4 (April 2014)
PCW Revision September 1, 2019

Reg. Ent. Reference No. RN102673894
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.44(f)(2)

Violation Description

Failed to encase the waterline in a separate watertight pipe encasement and provide valves on each side of the crossing when waterlines are laid under any flowing or intermittent stream. Specifically, the waterline crossing Marcado Creek was not in a separate watertight pipe encasement with valves on each side, nor had the Facility obtained permission from the Executive Director to omit the watertight pipe encasement.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to take special precautions when installing waterlines under any flowing or intermittent stream could allow infiltration, thereby exposing persons served by the Facility to contaminants which would exceed levels that are protective of human health.

Adjustment \$3,500

\$1,500

Violation Events

Number of Violation Events 4

112 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$6,000

Four monthly events are recommended, calculated from the January 16, 2020 investigation date to the May 7, 2020 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	
N/A	x

Notes

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

Violation Subtotal \$6,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$695

Violation Final Penalty Total \$6,300

This violation Final Assessed Penalty (adjusted for limits) \$6,300

Economic Benefit Worksheet

Respondent Aqua Utilities, Inc.
Case ID No. 59325
Reg. Ent. Reference No. RN102673894
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$2,500	13-Feb-2017	1-Feb-2021	3.97	\$33	\$662	\$695
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 necessary to encase the waterline and install valves at points where the line crosses any flowing or intermittent stream, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$695

Screening Date 7-May-2020
Respondent Aqua Utilities, Inc.
Case ID No. 59325

Docket No. 2020-0665-PWS-E

PCW

Policy Revision 4 (April 2014)
PCW Revision September 1, 2019

Reg. Ent. Reference No. RN102673894
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)

Violation Description Failed to Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, a hole was observed on the roof of the 0.043 million-gallon ("MG") ground storage tank ("GST").

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification				Percent
		Major	Moderate	Minor	
					0.0%

Failure to maintain the good working condition and general appearance of the Facility could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 1 44 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$750

One quarterly event is recommended, calculated from the January 16, 2020 investigation date to the February 29, 2020 compliance date.

Good Faith Efforts to Comply

25.0%

Reduction \$187

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

Notes The Respondent achieved compliance by February 29, 2020.

Violation Subtotal \$563

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$35

Violation Final Penalty Total \$601

This violation Final Assessed Penalty (adjusted for limits) \$601

Economic Benefit Worksheet

Respondent Aqua Utilities, Inc.
Case ID No. 59325
Reg. Ent. Reference No. RN102673894
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				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)	\$500	4-Oct-2018	29-Feb-2020	1.41	\$35	n/a	\$35

Notes for DELAYED costs

The delayed cost includes the estimated amount to repair the hole on the roof of the 0.043 MG GST, calculated from the date of the investigation initially documenting the violation to the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$35

Screening Date 7-May-2020
Respondent Aqua Utilities, Inc.
Case ID No. 59325

Docket No. 2020-0665-PWS-E

PCW

Policy Revision 4 (April 2014)
PCW Revision September 1, 2019

Reg. Ent. Reference No. RN102673894
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.39(j)(1)(A) and Tex. Health & Safety Code § 341.0351

Violation Description

Failed to notify the Commission prior to making any significant change or addition where the change in the existing distribution system results in an increase or decrease in production, treatment, storage, or pressure maintenance capacity. Specifically, the Respondent did not notify the Executive Director prior to replacing the well pump rated at 150 gallons per minute ("gpm") and the 15-horsepower motor at Well No. 3 with a well pump rated at 95 gpm and a 7.5-horsepower motor.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 15.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 1

112 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$750

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

Notes

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

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$99

Violation Final Penalty Total \$788

This violation Final Assessed Penalty (adjusted for limits) \$788

Economic Benefit Worksheet

Respondent Aqua Utilities, Inc.
Case ID No. 59325
Reg. Ent. Reference No. RN102673894
Media Public Water Supply
Violation No. 3

Percent Interest 5.0
Years of Depreciation 15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	4-Oct-2018	31-Jul-2021	2.82	\$5	\$94	\$99
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 submit accurate, up-to-date, and detailed as-built plans, specifications, and engineering reports and obtain approval for the significant changes made to the Facility's production, including but not limited to the replaced well pump and motor at Well No. 3, calculated from the date of the Investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$99

Screening Date 7-May-2020 Respondent Aqua Utilities, Inc. Case ID No. 59325 Reg. Ent. Reference No. RN102673894 Media Public Water Supply Enf. Coordinator Aaron Vincent Violation Number 4 Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(4)	Docket No. 2020-0665-PWS-E	PCW <small>Policy Revision 4 (April 2014) PCW Revision September 1, 2019</small>
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Violation Description
 Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids. Specifically, water samples collected from the distribution system on January 16, 2020 were discolored due to elevated levels of suspended solids.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Major	Moderate	Minor	
	Actual				
	Potential			x	

Percent 7.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	
				0.0%

Percent 0.0%

Matrix Notes
 Failure to maintain the distribution system lines free of excessive solids could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,650

\$350

Violation Events

Number of Violation Events 1 112 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$350

One single event is recommended.

Good Faith Efforts to Comply

0.0% **Reduction** \$0

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

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

Violation Subtotal \$350

Economic Benefit (EB) for this violation

Estimated EB Amount \$79 **Statutory Limit Test**

Violation Final Penalty Total \$368

This violation Final Assessed Penalty (adjusted for limits) \$368

Economic Benefit Worksheet

Respondent Aqua Utilities, Inc.
Case ID No. 59325
Reg. Ent. Reference No. RN102673894
Media Public Water Supply
Violation No. 4

Percent Interest 5.0
Years of Depreciation 15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	4-Oct-2018	2-Jan-2021	2.25	\$4	\$75	\$79
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 maintain the distribution system lines free of excessive solids, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$79

Screening Date 7-May-2020

Docket No. 2020-0665-PWS-E

PCW

Respondent Aqua Utilities, Inc.

Policy Revision 4 (April 2014)

Case ID No. 59325

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN102673894

Media Public Water Supply

Enf. Coordinator Aaron Vincent

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.44(h)(4)

Violation Description

Failed to have all backflow prevention assemblies ("BPAs") tested upon installation and on an annual basis by a recognized BPA tester and certify that they are operating within specifications. Specifically, a BPA Test and Maintenance Report form noted that the relief valve was not opening during a test on the reduced pressure zone device ("RPZ") installed at the wastewater treatment plant, indicating that the RPZ had reduced backflow prevention capabilities and it was not operating within the manufacturer's specifications.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Harm Moderate	Minor
Actual			
Potential		x	

Percent 15.0%

>>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix
Notes

Failure to maintain BPAs that are operating within specifications could result in a reverse flow of contaminants entering into the water mains which could result in persons served by the Facility being exposed to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 2

112 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,500

Two quarterly events are recommended, calculated from the January 16, 2020 investigation date to the May 7, 2020 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	
N/A	x

Notes

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

Violation Subtotal \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$315

Violation Final Penalty Total \$1,575

This violation Final Assessed Penalty (adjusted for limits) \$1,575

Economic Benefit Worksheet

Respondent Aqua Utilities, Inc.
Case ID No. 59325
Reg. Ent. Reference No. RN102673894
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$2,000	4-Oct-2018	2-Jan-2021	2.25	\$15	\$300	\$315
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to repair or replace the RPZ installed at the wastewater treatment plant and certify that it is operating within specifications, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$315

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN602787509, RN102673894, Rating Year 2019 which Includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or Owner/Operator: CN602787509, Aqua Utilities, Inc. **Classification:** SATISFACTORY **Rating:** 27.51

Regulated Entity: RN102673894, BRENTWOOD SUBDIVISION **Classification:** NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 14 - Other

Location: 303 Cambridge Street near Victoria, Victoria County, Texas

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2350005 WATER LICENSING LICENSE 2350005

Compliance History Period: September 01, 2014 to August 31, 2019 **Rating Year:** 2019 **Rating Date:** 09/01/2019

Date Compliance History Report Prepared: July 31, 2020

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: July 31, 2015 to July 31, 2020

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

Name: Aaron Vincent **Phone:** (512) 239-0855

Site and Owner/Operator History:

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

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 June 17, 2019 (1558261)

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: 11/21/2019 (1581678)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.44(f)(1)
30 TAC Chapter 290, SubChapter D 290.44(f)(2)

Description: Failed to take special precautions when waterlines are laid under any flowing or intermittent stream or semipermanent body of water such as a marsh, bay or estuary. In these cases, the water main shall be installed in a separate watertight pipe encasement and valves must be provided on each side of the crossing with facilities to allow the underwater portion of the system to be isolated and tested to determine that there are no leaks in the underwater line.

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(6) 30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failed to use maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.39(j) 30 TAC Chapter 290, SubChapter D 290.39(j)(1) 30 TAC Chapter 290, SubChapter D 290.39(j)(1)(A)		
Description:	Failed to notify the executive director prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities. Significant changes in existing systems or supplies shall not be instituted without prior approval of the executive director.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(4)		
Description:	Failed to ensure all treatment units, storage and pressure facilities, distribution lines, and related appurtenances are free of excessive solids.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.44(h)(4) 30 TAC Chapter 290, SubChapter D 290.44(h)(4)(C)		
Description:	Failed to test and certify all backflow prevention assemblies which are installed to provide protection against health hazards to be operating within specifications at least annually by a licensed backflow prevention assembly tester.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A) 30 TAC Chapter 290, SubChapter F 290.110(b)(4)		
Description:	Failed to maintain a free disinfectant residual concentration in the water within the distribution system of at least 0.2 mg/L.		

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

From: [Smith, Gregory I](#)
To: [Montes, Joaquin O](#)
Subject: RE: 05122020_RE 05122020_RE 05072020_Brentwood NOE
Date: Tuesday, May 12, 2020 2:13:47 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[scan0089.pdf](#)
[Estimate 1224 from Rellim Well Service LLC.pdf](#)

The water line will be excavated to determine if there is a casing going under the creek. I am working on getting a date and time from CDC.

When the well went down there was already a 7.5 hp pump in the well. I had the same hp pump installed due to not having the information that the well was approved for a 15 hp. Would you like for me to have that changed?

The well was chlorinated and flushed on February 28, 2020. This helped to clear the water throughout the system.

The backflow preventer had been tested and documentation was provided at the inspection and later sent by email. I have attached the new inspection form from this year.

The only item that is pending is the excavation of the water line casing. I am also still waiting on approval to connect polyphosphate so that I can correct the iron and manganese issue. We have also installed more flush valve to help clean the water and are flushing at least twice a week. I have also asked for quotes to have the well chlorinated and flushed quarterly to help with the rotten egg spell. When this was done in February it seemed to help and we have not received as many complaints.

Let me know if I need to provide any more information to get this resolved.

From: Montes, Joaquin O <JOMontes@aquaamerica.com>
Sent: Tuesday, May 12, 2020 9:56 AM
To: Smith, Gregory I <GSmith@aquaamerica.com>
Cc: Garcia, Chris A <CAGarcia@aquaamerica.com>; Foltz, Scot W <SWFoltz@aquaamerica.com>
Subject: 05122020_RE 05122020_RE 05072020_Brentwood NOE

Greg, the GST was resolved. Please read this summary as to what needs to be addressed for this NOE.

aqua_cv_signature_2



JOAQUIN O. MONTES

Drinking Water Compliance Coordinator

Aqua Texas Inc.

1106 Clayton Lane, Suite 400W, Austin, Texas 78723

O: 512.990.4400 ext. 56109 M: 512.529.9750




From: Smith, Gregory I <GSmith@aquaaamerica.com>
Sent: Tuesday, May 12, 2020 9:24 AM
To: Montes, Joaquin O <JOMontes@aquaaamerica.com>
Cc: Garcia, Chris A <CAGarcia@aquaaamerica.com>
Subject: RE: 05072020_Brentwood NOE

Please see the picture of the GST repairs. I have spoken with CDC to get them to excavate to be sure that there is a casing on the water line under the creek. I will have this documentation as soon as possible.

From: Montes, Joaquin O <JOMontes@aquaaamerica.com>
Sent: Thursday, May 07, 2020 5:00 PM
To: Smith, Gregory I <GSmith@aquaaamerica.com>
Cc: Garcia, Chris A <CAGarcia@aquaaamerica.com>
Subject: 05072020_Brentwood NOE

Please provide me any documentation to resolve any of the allegations contained in this notice of enforcement.

aqua_cv_signature_2



JOAQUIN O. MONTES
Drinking Water Compliance Coordinator
Aqua Texas Inc.
1106 Clayton Lane, Suite 400W, Austin, Texas 78723
O: 512.990.4400 ext. 56109 M:512.529.9750
☐ ☐ ☐

Rellim Well Service, LLC

P O Box 387
Conroe, TX 77305 US
936.539.9355
darrellm@rellimwellservice.com
www.rellimwellservice.com



Estimate

ADDRESS

Aqua TX Inc
2211 Louetta Rd
Spring, Texas 77388

ESTIMATE 1224
DATE 02/21/2020
EXPIRATION DATE 03/23/2020

DATE	SERVICE	DESCRIPTION	QTY	RATE	AMOUNT
	Commercial Service Call	Commercial Service Call	1	250.00	250.00
	Commercial Service Call Additional Drive Time	Commercial Service Call Additional Drive Time \$100/hr	2	100.00	200.00
	Chlorinate/ Flush Commercial Well	Chlorinate/ Flush Commercial Well	1	650.00	650.00
		Brentwood WP Greg called			
		Service fee can be waived if done when welding is to be done on 02/26/2020			

Regulated By: TDLR
P. O. Box 12157, Austin, TX 78711
512-463-7880
Brentwood WP

TOTAL

\$1,100.00

Accepted By

Accepted Date

Texas Commission on Environmental Quality
BACKFLOW PREVENTION ASSEMBLY TEST AND MAINTENANCE REPORT

The following form must be completed for each assembly tested. A signed and dated original must be submitted to the public water supplier for recordkeeping *purposes:

NAME OF PWS:	Brentwood Manor
PWS ID#:	TX2350005
PWS MAILING ADDRESS:	1106 Clayton Ln. Suite 400 W
PWS CONTACT PERSON:	Joe Zamora Jr.
ADDRESS OF SERVICE:	Ybarra

The backflow prevention assembly detailed below has been tested and maintained as required by commission regulations and is certified to be operating within acceptable parameters.

TYPE OF BACKFLOW PREVENTION ASSEMBLY (BPA):

<input checked="" type="checkbox"/>	Reduced Pressure Principle (RPBA)	<input type="checkbox"/>	Reduced Pressure Principle-Detector (RPBA-D)	Type II <input type="checkbox"/>
<input type="checkbox"/>	Double Check Valve (DCVA)	<input type="checkbox"/>	Double Check-Detector (DCVA-D)	Type II <input type="checkbox"/>
<input type="checkbox"/>	Pressure Vacuum Breaker (PVB)	<input type="checkbox"/>	Spill-Resistant Pressure Vacuum Breaker (SVB)	

Manufacturer:	Main: Zurn Wilkens	Bypass:	Size: 3/4	Main: X	Bypass:
Model Number:	Main: 975XL	Bypass:	BPA Location:	Entrance to Plant	
Serial Number:	Main: 470294	Bypass:	BPA Serves:	WWTP	

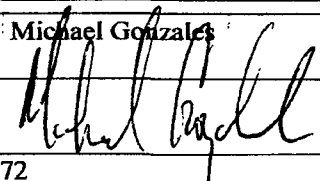
Reason for test:	New <input type="checkbox"/>	Existing <input checked="" type="checkbox"/>	Replacement <input type="checkbox"/>	Old Model/Serial #
Is the assembly installed in accordance with manufacturer recommendations and/or local codes?				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the assembly installed on a non-potable water supply (auxiliary)?				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

TEST RESULT PASS <input checked="" type="checkbox"/> FAIL <input type="checkbox"/>	Reduced Pressure Principle Assembly (RPBA)			Type II Assembly	PVB & SVB	
	DCVA		Relief Valve	Bypass Check	Air Inlet	Check Valve
	1 st Check	2 nd Check***				
Initial Test Date: 5/4/2020 Time: 1349	Held at 8.6 psid Closed Tight <input checked="" type="checkbox"/> Leaked <input type="checkbox"/>	Held at ____ psid Closed Tight <input checked="" type="checkbox"/> Leaked <input type="checkbox"/>	Opened at 3.6 psid Did not open <input type="checkbox"/>	Held at ____ psid Closed Tight <input type="checkbox"/> Leaked <input type="checkbox"/>	Opened at ____ psid Did not open <input type="checkbox"/> Did it fully open (Yes <input type="checkbox"/> / No <input type="checkbox"/>)	Held at ____ psid Leaked <input type="checkbox"/>
Repairs and Materials Used**	Main: _____ Bypass: _____					
Test After Repair Date: _____ Time: _____	Held at ____ psid Closed Tight <input type="checkbox"/>	Held at ____ psid Closed Tight <input type="checkbox"/>	Opened at ____ psid	Held at ____ psid Closed Tight <input type="checkbox"/>	Opened at ____ psid	Held at ____ psid

*** 2nd check: numeric reading required for DCVA only

Differential pressure gauge used:	Potable: <input checked="" type="checkbox"/>	Non-Potable: <input type="checkbox"/>
Make/Model: Mid-West 845	SN: 01182504	Date tested for accuracy: 01/10/2020

Remarks:	
----------	--

Company Name:	Michael Gonzales	Licensed Tester Name (Print/Type):	Michael Gonzales
Company Address:	435 Schell Rd. Victoria, TX 77904	Licensed Tester Name (Signature):	
Company Phone #:	832-439-0427	BPAT License #	BP0012572
		License Expiration Date:	10/01/2021

The above is certified to be true at the time of testing.


* TEST RECORDS MUST BE KEPT FOR AT LEAST THREE YEARS [30 TAC §290.46(B)]

** USE ONLY MANUFACTURER'S REPLACEMENT PARTS

From: [Montes, Joaquin O](#)
To: aaron.vincent@tceq.texas.gov
Cc: [Smith, Gregory I](#); [Garcia, Chris A](#); [Foltz, Scot W](#)
Subject: 08132020_Brentwood TX2350005_PAO_DN2020-0665-pws-e ECN59325_08102020
Date: Thursday, August 13, 2020 6:19:52 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[Brentwood TX2350005_PAO_DN2020-0665-pws-e ECN59325_08102020.pdf](#)
[RE 05122020_RE 05122020_RE 05072020_Brentwood NOE.msg](#)
[FW EXTERNAL TCEQ Enforcement - Aqua Utilities Inc \(Brentwood Subdivision\).msg](#)
Importance: High

Mr. Vincent please look at the attached emails were several of these findings had been resolved.


aqua_cv_signature_2



JOAQUIN O. MONTES
Drinking Water Compliance Coordinator
Aqua Texas Inc.
1106 Clayton Lane, Suite 400W, Austin, Texas 78723
O: 512.990.4400 ext. 56109 M:512.529.9750
☐ ☐ ☐

From: Montes, Joaquin O <JOMontes@aquaamerica.com>
Sent: Tuesday, August 11, 2020 6:08 PM
To: Smith, Gregory I <GSmith@aquaamerica.com>; Garcia, Chris A <CAGarcia@aquaamerica.com>; Foltz, Scot W <SWFoltz@aquaamerica.com>; Schroeter, Laura B <LBSchroeter@aquaamerica.com>
Subject: Brentwood TX2350005_PAO_DN2020-0665-pws-e ECN59325_08102020

aqua_cv_signature_2



JOAQUIN O. MONTES
Drinking Water Compliance Coordinator
Aqua Texas Inc.
1106 Clayton Lane, Suite 400W, Austin, Texas 78723
O: 512.990.4400 ext. 56109 M:512.529.9750
☐ ☐ ☐

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 22, 2020

EMAIL RECEIPT REQUESTED

Mr. Scot Foltz
Compliance Manager
Aqua Utilities
1106 Clayton Lane, Suite 400W
Austin, Texas 78723-2476

Re: Notice of Enforcement for Complaint, Reconnaissance, and Follow Up Investigations at:
Brentwood Subdivision, 303 Cambridge Street, Victoria, (Victoria County), Texas
Regulated Entity No.: 102673894, TCEQ ID No.: 2350005, Investigation No.: 1623363
Incident Nos.: 328293 & 328441

Via email

Dear Mr. Foltz:

On January 16, 2020, Mr. Eric Lindgren of the Texas Commission on Environmental Quality (TCEQ) Corpus Christi Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for public water supply. 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 Corpus Christi Region Office at 361-825-3100 or the Central Office Publications Ordering Team at 512-239-0028.

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 violation.

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

Mr. Scot Foltz
Page 2
April 22, 2020

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: Public Drinking 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 Mr. Lindgren in the Corpus Christi Region Office at 361-825-3100.

Sincerely,



Melanie Edwards, Water Section Manager
Corpus Christi Region Office
Texas Commission on Environmental Quality

ME/EL/mjd

Enclosure: Summary of Investigation Findings

cc: Mr. Greg Smith, Field Supervisor, Aqua Utilities, Via email

Summary of Investigation Findings

BRENTWOOD SUBDIVISION

**303 CAMBRIDGE ST
VICTORIA, VICTORIA COUNTY, TX 77905**

Investigation #

**1623363
Investigation Date: 01/16/2020**

Additional ID(s): 2350005

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

Track No: 641388 Compliance Due Date: 06/16/2017

30 TAC Chapter 290.44(f)(1)

30 TAC Chapter 290.44(f)(2)

Alleged Violation:

Investigation: 1396340

Comment Date: 05/16/2017

Failed to take special precautions when waterlines are laid under any flowing or intermittent stream or semipermanent body of water such as a marsh, bay or estuary. In these cases, the water main shall be installed in a separate watertight pipe encasement and valves must be provided on each side of the crossing with facilities to allow the underwater portion of the system to be isolated and tested to determine that there are no leaks in the underwater line.

During the investigation conducted on February 13 and March 21, 2017, it was determined that a potable water distribution line that crosses the Marcado Creek is submerged in the creek. Specifically, the water line leaves the south embankment of the Marcado creek exposed and enters into the creek before going underneath. In addition, the water system does not have isolation valves installed on each side of the creek crossing.

Investigation: 1537749

Comment Date: 05/08/2019

During the investigation conducted from October 4, 2018 through January 30, 2019, the status of this outstanding alleged violation was evaluated. Documentation was not provided/submitted to show that compliance with this violation has been achieved. This violation remains outstanding.

Investigation: 1581678

Comment Date: 11/21/2019

During the investigation conducted on November 13, 2019, the status of this outstanding alleged violation was evaluated. Documentation was not provided/submitted to show that compliance with this violation has been achieved. This violation remains outstanding.

Investigation: 1623363

Comment Date: 03/17/2020

During the investigation conducted on January 16, 2020, the status of this outstanding alleged violation was evaluated. Documentation was not provided/submitted to show that compliance with this violation has been achieved. This violation remains outstanding.

Recommended Corrective Action: The water system shall take special precautions when waterlines are laid under any flowing or intermittent stream or semipermanent body of water such as marsh, bay, or estuary. In these cases, the water main shall be installed in a separate watertight pipe encasement and valves must be provided on each side of the water crossing facilities to allow the underwater portion of the system to be isolated and tested to determine that there are no leaks in the underwater line. Alternatively, and with the permission of the executive director, the watertight pipe encasement may be omitted.

Track No: 711217 Compliance Due Date: 06/24/2019

30 TAC Chapter 290.39(j)

30 TAC Chapter 290.39(j)(1)

30 TAC Chapter 290.39(j)(1)(A)

Alleged Violation:

Failed to notify the executive director prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities. Significant changes in existing systems or supplies shall not be instituted without prior approval of the executive director.

During the investigation conducted from October 4, 2018 through January 30, 2019, it was documented that the Well No. 3 (main well) pump and motor were replaced with different sized components.

On July 10, 2002, the water system was approved for the newly constructed well. Specifically, approval included a 15 horsepower (HP) submersible pump rated at 150 gallons per minute (GPM) at 220 feet of total dynamic head. When the well pump and motor were replaced in October 2018, a 7.5 HP motor was installed along with a pump capable of producing approximately 95 gpm (based on the pump curve submitted by the water system on February 8, 2019).

Investigation: 1581678

Comment Date: 11/21/2019

During the investigation conducted on November 13, 2019, the status of this outstanding alleged violation was evaluated. Documentation was not provided/submitted to show that compliance with this violation has been achieved. Specifically, plans and specifications for the well pump and motor have not been submitted for approval. This violation remains outstanding.

Investigation: 1623363

Comment Date: 03/17/2020

During the investigation conducted on January 16, 2020, the status of this outstanding alleged violation was evaluated. Documentation was not provided/submitted to show that compliance with this violation has been achieved. Specifically, plans and specifications for the well pump and motor have not been submitted for approval. This violation remains outstanding.

Recommended Corrective Action: The water system shall notify the executive director prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities. Significant changes in existing systems or supplies shall not be instituted without prior approval of the executive director. Plans and specifications shall be submitted for approval to:

TCEQ

Plan and Technical Review Team, MC - 159

P.O. Box 13087

Austin, Texas 78711-3087

Track No: 711221**Compliance Due Date: 06/24/2019****30 TAC Chapter 290.46(m)(4)****Alleged Violation:**

Investigation: 1581678

Comment Date: 11/21/2019

During the investigation conducted on November 13, 2019, the status of this outstanding alleged violation was evaluated. It was documented that samples collected by the TCEQ on November 13, 2019 from a hose bib located on Huntington Dr. contained discolored water (yellow/brown).

The water system has installed four additional flush valves to help maintain water quality throughout the distribution system. Furthermore, the water system has purchased a sequestration system to address the discolored water. The sequestration system is on-site and will be placed into service once approval from the TCEQ Plan and Review Team has been granted.

Investigation: 1537749

Comment Date: 01/21/2020

Failed to ensure all treatment units, storage and pressure facilities, distribution lines, and related appurtenances are free of excessive solids.

During the investigation conducted from October 4, 2018 through January 30, 2019,

investigators documented discolored water. Specifically, samples collected on November 28, 2018, December 11, 2018, and January 30, 2019 were discolored (yellow/brown) due to suspended solids.

Furthermore, the TCEQ collected samples on December 11, 2018 and January 30, 2019 for laboratory analysis. It was concluded that numerous samples contained elevated levels of iron:

December 11, 2018

Entry Point - 0.543 mg/L

Huntington Dr. Flush Valve - 5.620 mg/L

January 30, 2019

Entry Point – 1.50 mg/L and 1.53 mg/L

Hose Bib on Trent St – 0.434 mg/L

Huntington Dr. Flush Valve – 1.23 mg/L

Additionally, the sample collected at the entry point on December 11, 2018 contained an elevated manganese level of 0.1490 mg/L.

Iron and manganese are both Secondary Standards and have a constituent level of 0.3 mg/L and 0.05 mg/L respectively. Secondary Constituents are not considered to present a risk to human health. It was documented that the suspended iron and manganese particles in the water were causing the water to be discolored.

Investigation: 1623363

Comment Date: 04/06/2020

During the investigation conducted on January 16, 2020, the status of this outstanding alleged violation was evaluated. It was documented that samples collected by the TCEQ on January 16, 2020 from the flush valve located on Stratford Street contained discolored water (brown).

The water system continues to install additional flush valves to help maintain water quality throughout the distribution system. Furthermore, once the water system submits documentation and obtains approval from the TCEQ for the iron sequestration system, the system will be placed on-line.

Recommended Corrective Action: The water system shall maintain all water treatment units, storage and pressure maintenance facilities, distribution lines, and related appurtenances in a watertight condition and free of excessive solids.

Track No: 712723 Compliance Due Date: 06/24/2019

30 TAC Chapter 290.44(h)(4)

30 TAC Chapter 290.44(h)(4)(C)

Alleged Violation:

Investigation: 1537749

Comment Date: 05/22/2019

Failed to test and certify all backflow prevention assemblies which are installed to provide protection against health hazards to be operating within specifications at least annually by a licensed backflow prevention assembly tester.

During the investigation conducted from October 4, 2018 through January 30, 2019, it was documented that the reduced pressure assembly (RPZ) installed at the wastewater treatment plant was not operating within manufacturer's specifications nor was the testing form adequately completed. Specifically, the tester did not include the date or time of the testing. Additionally, the tester recorded a passing result, but noted the relief valve would not open. This being the case, the relief valve is not capable of maintaining the pressure between the two check valves at a reduced pressure; therefore, reducing the backflow prevention capabilities.

Investigation: 1581678

Comment Date: 11/21/2019

During the investigation conducted on November 13, 2019, the status of this outstanding alleged violation was evaluated. Documentation was not provided/submitted to show that compliance with this violation has been achieved. Specifically, a Backflow Prevention Assembly Test and Maintenance Report demonstrating the RPZ installed at the wastewater

treatment plant is operating within specifications has not been submitted. This violation remains outstanding.

Investigation: 1623363

Comment Date: 03/17/2020

During the investigation conducted on January 16, 2020, the status of this outstanding alleged violation was evaluated. Documentation was not provided/submitted to show that compliance with this violation has been achieved. Specifically, a Backflow Prevention Assembly Test and Maintenance Report demonstrating the RPZ installed at the wastewater treatment plant is operating within specifications has not been submitted. This violation remains outstanding.

Recommended Corrective Action: Backflow prevention assemblies which are installed to provide protection against health hazards must be tested and certified to be operating within specifications at least annually by a licensed backflow prevention assembly tester. The test report must be completed by the recognized backflow prevention assembly tester for each assembly tested. The signed and dated original must be submitted to the public water supplier for recordkeeping purposes.

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

Track No: 711215

30 TAC Chapter 290.43(c)(6)

30 TAC Chapter 290.46(m)

Alleged Violation:

Investigation: 1537749

Comment Date: 05/21/2019

Failed to use maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment.

During the investigation conducted from October 4, 2018 through January 30, 2019, it was documented that the ground storage tank had a hole in the roof. Specifically, the area surrounding a roof vent had rusted out.

Investigation: 1581678

Comment Date: 11/21/2019

During the investigation conducted on November 13, 2019, the status of this outstanding alleged violation was evaluated. Documentation was not provided/submitted to show that area surrounding the roof vent has been repaired. Additionally, the water system confirmed that it has not been repaired and they are evaluating various options to address the tank. This violation remains outstanding.

Investigation: 1623363

Comment Date: 03/17/2020

During the investigation conducted on January 16, 2020, the status of this outstanding alleged violation was evaluated.

Recommended Corrective Action: The water system shall ensure that all clearwells and potable water storage tanks are thoroughly tight against leakage, located above the groundwater table, and shall have no walls in common with any other plant units containing water in the process of treatment. All associated appurtenances including valves, pipes, and fittings shall be tight against leakage.

Resolution: The water system submitted photographs demonstrating that the rusted out hole on the ground storage tank roof had been repaired on February 29, 2020.

Jon Niemann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 22, 2020

RECEIVED

APR 22 2020

TX ADMIN
AUSTIN

EMAIL RECEIPT REQUESTED

Mr. Scot Foltz
Compliance Manager
Aqua Utilities
1106 Clayton Lane, Suite 400W
Austin, Texas 78723-2476

Re: Notice of Enforcement for Complaint, Reconnaissance, and Follow Up Investigations at:
Brentwood Subdivision, 303 Cambridge Street, Victoria, (Victoria County), Texas
Regulated Entity No.: 102673894, TCEQ ID No.: 2350005, Investigation No.: 1623363
Incident Nos.: 328293 & 328441

Via email

Dear Mr. Foltz:

On January 16, 2020, Mr. Eric Lindgren of the Texas Commission on Environmental Quality (TCEQ) Corpus Christi Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for public water supply. 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 Corpus Christi Region Office at 361-825-3100 or the Central Office Publications Ordering Team at 512-239-0028.

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 violation.

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

Mr. Scot Foltz
Page 2
April 22, 2020

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: Public Drinking 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 Mr. Lindgren in the Corpus Christi Region Office at 361-825-3100.

Sincerely,



Melanie Edwards, Water Section Manager
Corpus Christi Region Office
Texas Commission on Environmental Quality

ME/EL/mjd

Enclosure: Summary of Investigation Findings

cc: Mr. Greg Smith, Field Supervisor, Aqua Utilities, Via email

Summary of Investigation Findings

BRENTWOOD SUBDIVISION

303 CAMBRIDGE ST
VICTORIA, VICTORIA COUNTY, TX 77905

Investigation #

1623363
Investigation Date: 01/16/2020

Additional ID(s): 2350005

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

Track No: 641388 **Compliance Due Date:** 06/16/2017**30 TAC Chapter 290.44(f)(1)****30 TAC Chapter 290.44(f)(2)****Alleged Violation:****Investigation:** 1396340**Comment Date:** 05/16/2017

Failed to take special precautions when waterlines are laid under any flowing or intermittent stream or semipermanent body of water such as a marsh, bay or estuary. In these cases, the water main shall be installed in a separate watertight pipe encasement and valves must be provided on each side of the crossing with facilities to allow the underwater portion of the system to be isolated and tested to determine that there are no leaks in the underwater line.

During the investigation conducted on February 13 and March 21, 2017, it was determined that a potable water distribution line that crosses the Marcado Creek is submerged in the creek. Specifically, the water line leaves the south embankment of the Marcado creek exposed and enters into the creek before going underneath. In addition, the water system does not have isolation valves installed on each side of the creek crossing.

Investigation: 1537749**Comment Date:** 05/08/2019

During the investigation conducted from October 4, 2018 through January 30, 2019, the status of this outstanding alleged violation was evaluated. Documentation was not provided/submitted to show that compliance with this violation has been achieved. This violation remains outstanding.

Investigation: 1581678**Comment Date:** 11/21/2019

During the investigation conducted on November 13, 2019, the status of this outstanding alleged violation was evaluated. Documentation was not provided/submitted to show that compliance with this violation has been achieved. This violation remains outstanding.

Investigation: 1623363**Comment Date:** 03/17/2020

During the investigation conducted on January 16, 2020, the status of this outstanding alleged violation was evaluated. Documentation was not provided/submitted to show that compliance with this violation has been achieved. This violation remains outstanding.

Recommended Corrective Action: The water system shall take special precautions when waterlines are laid under any flowing or intermittent stream or semipermanent body of water such as marsh, bay, or estuary. In these cases, the water main shall be installed in a separate watertight pipe encasement and valves must be provided on each side of the water crossing facilities to allow the underwater portion of the system to be isolated and tested to determine that there are no leaks in the underwater line. Alternatively, and with the permission of the executive director, the watertight pipe encasement may be omitted.

Track No: 711217 **Compliance Due Date:** 06/24/2019**30 TAC Chapter 290.39(j)****30 TAC Chapter 290.39(j)(1)****30 TAC Chapter 290.39(j)(1)(A)****Alleged Violation:**

Investigation: 1537749

Comment Date: 04/17/2019

Failed to notify the executive director prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities. Significant changes in existing systems or supplies shall not be instituted without prior approval of the executive director.

During the investigation conducted from October 4, 2018 through January 30, 2019, it was documented that the Well No. 3 (main well) pump and motor were replaced with different sized components.

On July 10, 2002, the water system was approved for the newly constructed well. Specifically, approval included a 15 horsepower (HP) submersible pump rated at 150 gallons per minute (GPM) at 220 feet of total dynamic head. When the well pump and motor were replaced in October 2018, a 7.5 HP motor was installed along with a pump capable of producing approximately 95 gpm (based on the pump curve submitted by the water system on February 8, 2019).

Investigation: 1581678

Comment Date: 11/21/2019

During the investigation conducted on November 13, 2019, the status of this outstanding alleged violation was evaluated. Documentation was not provided/submitted to show that compliance with this violation has been achieved. Specifically, plans and specifications for the well pump and motor have not been submitted for approval. This violation remains outstanding.

Investigation: 1623363

Comment Date: 03/17/2020

During the investigation conducted on January 16, 2020, the status of this outstanding alleged violation was evaluated. Documentation was not provided/submitted to show that compliance with this violation has been achieved. Specifically, plans and specifications for the well pump and motor have not been submitted for approval. This violation remains outstanding.

Recommended Corrective Action: The water system shall notify the executive director prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities. Significant changes in existing systems or supplies shall not be instituted without prior approval of the executive director. Plans and specifications shall be submitted for approval to:

TCEQ

Plan and Technical Review Team, MC - 159

P.O. Box 13087

Austin, Texas 78711-3087

Track No: 711221**Compliance Due Date: 06/24/2019****30 TAC Chapter 290.46(m)(4)****Alleged Violation:**

Investigation: 1581678

Comment Date: 11/21/2019

During the investigation conducted on November 13, 2019, the status of this outstanding alleged violation was evaluated. It was documented that samples collected by the TCEQ on November 13, 2019 from a hose bib located on Huntington Dr. contained discolored water (yellow/brown).

The water system has installed four additional flush valves to help maintain water quality throughout the distribution system. Furthermore, the water system has purchased a sequestration system to address the discolored water. The sequestration system is on-site and will be placed into service once approval from the TCEQ Plan and Review Team has been granted.

Investigation: 1537749

Comment Date: 01/21/2020

Failed to ensure all treatment units, storage and pressure facilities, distribution lines, and related appurtenances are free of excessive solids.

During the investigation conducted from October 4, 2018 through January 30, 2019,

BRENTWOOD SUBDIVISION**Investigation # 1623363**

investigators documented discolored water. Specifically, samples collected on November 28, 2018, December 11, 2018, and January 30, 2019 were discolored (yellow/brown) due to suspended solids.

Furthermore, the TCEQ collected samples on December 11, 2018 and January 30, 2019 for laboratory analysis. It was concluded that numerous samples contained elevated levels of iron:

December 11, 2018

Entry Point - 0.543 mg/L

Huntington Dr. Flush Valve - 5.620 mg/L

January 30, 2019

Entry Point - 1.50 mg/L and 1.53 mg/L

Hose Bib on Trent St - 0.434 mg/L

Huntington Dr. Flush Valve - 1.23 mg/L

Additionally, the sample collected at the entry point on December 11, 2018 contained an elevated manganese level of 0.1490 mg/L.

Iron and manganese are both Secondary Standards and have a constituent level of 0.3 mg/L and 0.05 mg/L respectively. Secondary Constituents are not considered to present a risk to human health. It was documented that the suspended iron and manganese particles in the water were causing the water to be discolored.

Investigation: 1623363

Comment Date: 04/06/2020

During the investigation conducted on January 16, 2020, the status of this outstanding alleged violation was evaluated. It was documented that samples collected by the TCEQ on January 16, 2020 from the flush valve located on Stratford Street contained discolored water (brown).

The water system continues to install additional flush valves to help maintain water quality throughout the distribution system. Furthermore, once the water system submits documentation and obtains approval from the TCEQ for the iron sequestration system, the system will be placed on-line.

Recommended Corrective Action: The water system shall maintain all water treatment units, storage and pressure maintenance facilities, distribution lines, and related appurtenances in a watertight condition and free of excessive solids.

Track No: 712723 Compliance Due Date: 06/24/2019

30 TAC Chapter 290.44(h)(4)

30 TAC Chapter 290.44(h)(4)(C)

Alleged Violation:

Investigation: 1537749

Comment Date: 05/22/2019

Failed to test and certify all backflow prevention assemblies which are installed to provide protection against health hazards to be operating within specifications at least annually by a licensed backflow prevention assembly tester.

During the investigation conducted from October 4, 2018 through January 30, 2019, it was documented that the reduced pressure assembly (RPZ) installed at the wastewater treatment plant was not operating within manufacturer's specifications nor was the testing form adequately completed. Specifically, the tester did not include the date or time of the testing. Additionally, the tester recorded a passing result, but noted the relief valve would not open. This being the case, the relief valve is not capable of maintaining the pressure between the two check valves at a reduced pressure; therefore, reducing the backflow prevention capabilities.

Investigation: 1581678

Comment Date: 11/21/2019

During the investigation conducted on November 13, 2019, the status of this outstanding alleged violation was evaluated. Documentation was not provided/submitted to show that compliance with this violation has been achieved. Specifically, a Backflow Prevention Assembly Test and Maintenance Report demonstrating the RPZ installed at the wastewater

treatment plant is operating within specifications has not been submitted. This violation remains outstanding.

Investigation: 1623363

Comment Date: 03/17/2020

During the investigation conducted on January 16, 2020, the status of this outstanding alleged violation was evaluated. Documentation was not provided/submitted to show that compliance with this violation has been achieved. Specifically, a Backflow Prevention Assembly Test and Maintenance Report demonstrating the RPZ installed at the wastewater treatment plant is operating within specifications has not been submitted. This violation remains outstanding.

Recommended Corrective Action: Backflow prevention assemblies which are installed to provide protection against health hazards must be tested and certified to be operating within specifications at least annually by a licensed backflow prevention assembly tester. The test report must be completed by the recognized backflow prevention assembly tester for each assembly tested. The signed and dated original must be submitted to the public water supplier for recordkeeping purposes.

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

Track No: 711215

30 TAC Chapter 290.43(c)(6)

30 TAC Chapter 290.46(m)

Alleged Violation:

Investigation: 1537749

Comment Date: 05/21/2019

Failed to use maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment.

During the investigation conducted from October 4, 2018 through January 30, 2019, it was documented that the ground storage tank had a hole in the roof. Specifically, the area surrounding a roof vent had rusted out.

Investigation: 1581678

Comment Date: 11/21/2019

During the investigation conducted on November 13, 2019, the status of this outstanding alleged violation was evaluated. Documentation was not provided/submitted to show that area surrounding the roof vent has been repaired. Additionally, the water system confirmed that it has not been repaired and they are evaluating various options to address the tank. This violation remains outstanding.

Investigation: 1623363

Comment Date: 03/17/2020

During the investigation conducted on January 16, 2020, the status of this outstanding alleged violation was evaluated.

Recommended Corrective Action: The water system shall ensure that all clearwells and potable water storage tanks are thoroughly tight against leakage, located above the groundwater table, and shall have no walls in common with any other plant units containing water in the process of treatment. All associated appurtenances including valves, pipes, and fittings shall be tight against leakage.

Resolution: The water system submitted photographs demonstrating that the rusted out hole on the ground storage tank roof had been repaired on February 29, 2020.

From: [Montes, Joaquin O](#)
To: [Aaron Vincent](#)
Cc: [Smith, Gregory I](#); [Garcia, Chris A](#); [Foltz, Scot W](#)
Subject: 08182020_RE: 08132020_Brentwood TX2350005_PAO_DN2020-0665-pws-e ECN59325_08102020
Date: Tuesday, August 18, 2020 2:25:03 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image006.png](#)
[image007.png](#)
[PO #801317.msg](#)
Importance: High

I have attached the purchase order for the work that will be done on the water line crossing the creek. Mr. Vincent, I have a follow up question about the GST issue that had been resolved, was this still calculated in the penalty?

aqua_cv_signature_2



JOAQUIN O. MONTES
Drinking Water Compliance Coordinator
Aqua Texas Inc.
1106 Clayton Lane, Suite 400W, Austin, Texas 78723
O: 512.990.4400 ext. 56109 M:512.529.9750
☐ ☐ ☐

From: Aaron Vincent <Aaron.Vincent@tceq.texas.gov>
Sent: Tuesday, August 18, 2020 9:53 AM
To: Montes, Joaquin O <JOMontes@aquaamerica.com>
Cc: Smith, Gregory I <GSmith@aquaamerica.com>; Garcia, Chris A <CAGarcia@aquaamerica.com>; Foltz, Scot W <SWFoltz@aquaamerica.com>
Subject: [EXTERNAL] RE: 08132020_Brentwood TX2350005_PAO_DN2020-0665-pws-e ECN59325_08102020

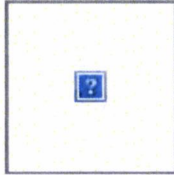
CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Montes,

The investigator agrees that the BPA violation is resolved based on the test form you provided.

Let me know if you have any other compliance documentation before the end of the week. I'll need to prepare a revised order that recognizes compliance for the BPA violation.

Aaron Vincent



Enforcement Coordinator
Drinking Water Section • Enforcement Division
12100 Park 35 Circle • Bldg. C • Austin, TX 78753
Office Phone: **(512) 239-0855**
Cell Phone: **(512) 850-9479**

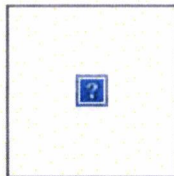
[TCEQ Regulatory Guidance: Coronavirus Disease 2019 \(COVID-19\)](#)

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Subject: RE: 08132020_Brentwood TX2350005_PAO_DN2020-0665-pws-e ECN59325_08102020

Mr. Montes,

I apologize for the delayed response as I was out of the office on Friday and Monday.

It looks like you sent over documentation for the GST violation and the BPA violation. The GST violation was already resolved prior to mailout and the proposed order recognizes compliance, so we are good on that one. The BPA test form appears to be adequate to resolve the violation. I have forwarded the test form to the regional investigator for his concurrence.



Aaron Vincent
Enforcement Coordinator
Drinking Water Section • Enforcement Division
12100 Park 35 Circle • Bldg. C • Austin, TX 78753
Office Phone: **(512) 239-0855**
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[TCEQ Regulatory Guidance: Coronavirus Disease 2019 \(COVID-19\)](#)

From: Montes, Joaquin O <JOMontes@aquaaamerica.com>
Sent: Thursday, August 13, 2020 6:20 PM
To: Aaron Vincent <Aaron.Vincent@tceq.texas.gov>
Cc: Smith, Gregory I <GSmith@aquaaamerica.com>; Garcia, Chris A <CAGarcia@aquaaamerica.com>; Foltz, Scot W <SWFoltz@aquaaamerica.com>
Subject: 08132020_Brentwood TX2350005_PAO_DN2020-0665-pws-e ECN59325_08102020
Importance: High

Mr. Vincent please look at the attached emails were several of these findings had been resolved.

aqua_cv_signature_2



JOAQUIN O. MONTES

Drinking Water Compliance Coordinator

Aqua Texas Inc.

1106 Clayton Lane, Suite 400W, Austin, Texas 78723

O: 512.990.4400 ext. 56109 M:512.529.9750



From: Montes, Joaquin O <JOMontes@aquaaamerica.com>

Sent: Tuesday, August 11, 2020 6:08 PM

To: Smith, Gregory I <GSmith@aquaaamerica.com>; Garcia, Chris A <CAGarcia@aquaaamerica.com>;
Foltz, Scot W <SWFoltz@aquaaamerica.com>; Schroeter, Laura B <LSchroeter@aquaaamerica.com>

Subject: Brentwood TX2350005_PAO_DN2020-0665-pws-e ECN59325_08102020

aqua_cv_signature_2



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Drinking Water Compliance Coordinator

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1106 Clayton Lane, Suite 400W, Austin, Texas 78723

O: 512.990.4400 ext. 56109 M:512.529.9750



From: [McCaffrey, Ashley M](#)
To: [Smith, Gregory I](#)
Cc: [Garcia, Chris A](#), [Montes, Joaquin O](#), [Trey Sawyer](#), [Betty Drake](#)
Subject: PO #801317
Date: Tuesday, August 18, 2020 1:43:05 PM
Attachments: [Image001.jpg](#)
[Image002.png](#)
[Image003.png](#)
[Image004.png](#)

801317		8/18/2020	GREG	BRENTWOOD	POTHOLE WATER LINE CROSSING CREEK	CDC UNLIMITED LLC
--------	--	-----------	------	-----------	-----------------------------------	-------------------

 |
Ashley McCaffrey
Field Services Coordinator
AQUA TEXAS
2211 Louetta Rd., Spring, TX 77388
O 281 651 0174 Ext 54104

From: Smith, Gregory I <GSmith@aquaaamerica.com>
Sent: Tuesday, August 18, 2020 10:44 AM
To: McCaffrey, Ashley M <AMMcCaffrey@aquaaamerica.com>
Cc: Garcia, Chris A <CAGarcia@aquaaamerica.com>, Montes, Joaquin O <JOMontes@aquaaamerica.com>
Subject: P.O. Request

Ashley,

Issue a P.O. to CDC to pothole the water line crossing the creek in Brentwood

Thanks,
Greg Smith

From: [Montes, Joaquin O](#)
To: [Aaron Vincent](#)
Cc: [Smith, Gregory I](#); [Garcia, Chris A](#); [Foltz, Scot W](#)
Subject: 10272020_RE: 08182020_RE 08132020_Brentwood TX2350005_PAO_DN2020-0665-pws-e ECN59325_08102020
Date: Tuesday, October 27, 2020 10:48:23 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image008.png](#)
[Brentwood_Water TX2350005_IMG_28231 \(002\).jpg](#)
[Brentwood_Water TX2350005_IMG_60161 \(002\).jpg](#)
[Brentwood_Water TX2350005_Watet line invoice.pdf](#)
Importance: High

Here are pictures and an invoice for the addressed water line.

aqua_cv_signature_2



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O: 512.990.4400 ext. 56109 M: 512.529.9750



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Enforcement Coordinator



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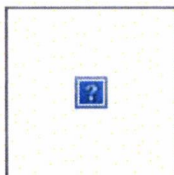
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Subject: 08132020_Brentwood TX2350005_PAO_DN2020-0665-pws-e ECN59325_08102020
Importance: High

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aqua_cv_signature_2



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Aqua Texas Inc.

1106 Clayton Lane, Suite 400W, Austin, Texas 78723

O: 512.990.4400 ext. 56109 M: 512.529.9750



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Subject: Brentwood TX2350005_PAO_DN2020-0665-pws-e ECN59325_08102020

aqua_cv_signature_2



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Drinking Water Compliance Coordinator

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O: 512.990.4400 ext. 56109 M: 512.529.9750







CDC Unlimited, LLC

11104 W. Airport Blvd., #143
Stafford, TX 77477



Invoice

Date	Invoice #
10/22/2020	20163

Bill To
Aqua Texas 2211 Louetta Spring, TX 77388

Service Address
Brentwood Subd Victoria, TX

P.O. No.	Terms	Service Date	Project
	Net 30	10/13/2020	64672

Qty	Description	Rate	UOM	Amount												
1	Install steel casing over 2" waterline in ditch in the Brentwood Subdivision in Victoria as per quote	5,875.00	LS	5,875.00												
<table><tr><td>V#37381</td><td>PO# 64672</td><td>Line# 1</td></tr><tr><td>31</td><td>AU: 7042</td><td>Account: 105030</td></tr><tr><td>Activity: 31704</td><td>210680</td><td>Amt: \$5,875.00</td></tr><tr><td>Sign:</td><td colspan="2">Date:</td></tr></table>					V#37381	PO# 64672	Line# 1	31	AU: 7042	Account: 105030	Activity: 31704	210680	Amt: \$5,875.00	Sign:	Date:	
V#37381	PO# 64672	Line# 1														
31	AU: 7042	Account: 105030														
Activity: 31704	210680	Amt: \$5,875.00														
Sign:	Date:															

Phone: 281-879-0500 Fax: 281-879-0886	Total	\$5,875.00
	Payments/Credits	\$0.00
	Balance Due	\$5,875.00



AQUA TEXAS, INC
2211 Louetta Road
Spring, TX 77388

PURCHASE ORDER NUMBER
64672

THIS NUMBER MUST APPEAR ON ALL INVOICES, PACKAGES,
CARTONS, BILLS OF LADING, AND PACKING SLIPS.

REQUISITION NUMBER
469669

DATE: 10/20/2020

SHIP VIA:

FOB:

FREIGHT TERMS: NOT APPLICABLE

DUE DAYS:

VENDOR: 37381
CDC UNLIMITED, LLC
11104 W AIRPORT BLVD
SUITE 143
STAFFORD TX 77477

SHIP TO: EAST TEXAS - SPRING
AQUA TEXAS, INC.
2211 LOUETTA RD
SPRING TX 77388

VENDOR
CONTACT: TREY SAWYER
PHONE: 281-879-0500
EMAIL: TSAWYER@CDCLTD.COM

BUYER: *Internal Use Only*
CONTACT: BERNIE THOMPSON
PHONE:
EMAIL: BFTHOMPSON@AQUAAMERICA.COM

REQUESTER
CONTACT: CRISTINA FIERRO - EAST SOUTH
PHONE: -281-651-0174
EMAIL: CAFIERRO@AQUAAMERICA.COM

LINE	QTY	UOM	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
			PURCHASE ORDER CURRENCY: US DOLLAR CONFIRMING ORDER DO NOT SEND VENDOR COPY		
1	5,875.0000	EACH	BRENTWOOD CASING INSTALLATION FOR WATER DELIVER ON OCTOBER 20, 2020 ITEM DETAIL: BRENTWOOD CASING INSTALLATION FOR WATER LINE RUNNING UNDER CREEK AU = 7042 105030 31704210680	1.00000	5,875.00
			PURCHASE ORDER SUMMARY		
			GOODS TOTAL:		\$5,875.00
			ORDER TOTAL:		\$5,875.00
TOTAL AMOUNT:					\$5,875.00

The material, labor and services above shall be furnished in accordance with the Standard Provisions printed on the reverse side of the Purchase Order and in accordance with any documents made a part hereof by the Company by attachment or reference, and shall have the same effect as though fully set forth above. The Purchase Order embodies the entire agreement between the parties and the supercedes all prior negotiations and communications.
The Company will not recognize any charges in this Purchase Order except through the medium of its Official Change Order Form.

MANAGER OF PURCHASING

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 10, 2020

Mr. Robert Laughman, President
Aqua Utilities, Inc.
762 West Lancaster Avenue
Bryn Mawr, Pennsylvania 19010-3489
RLLaughman@AquaAmerica.com

Re: Proposed Agreed Order
Aqua Utilities, Inc.; RN102673894; Public Water Supply ID No. 2350005
Docket No. 2020-0665-PWS-E; Enforcement Case No. 59325
FOR SETTLEMENT PURPOSES ONLY

Dear Mr. Laughman:

The Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ") is pursuing an enforcement action against Aqua Utilities, Inc. for violations of the Texas Health & Safety Code and Commission Rules. These violations were discovered during an investigation conducted on January 16, 2020, and documented in a letter dated April 22, 2020, from the TCEQ Corpus Christi Regional Office.

Please find enclosed a proposed agreed order which we have prepared in an attempt to expedite this enforcement action. The order assesses an administrative penalty of \$9,630, identifies the violations that we are addressing, and identifies specific technical requirements necessary to resolve them.

If you have any questions regarding this matter, we are available to discuss them in a conference in Austin or over the telephone. If we reach agreement in a timely manner, the TCEQ will then proceed with the remaining procedural steps to settle this matter. These steps include publishing notice of the proposed order in the *Texas Register*, and scheduling the matter for approval by the Commission. We believe that handling this matter expeditiously could save Aqua Utilities, Inc. and the TCEQ a significant amount of time, as well as the expense associated with litigation.

Enclosed for your convenience is a return envelope. If you agree with the order as proposed, please sign and return the original order **and** the penalty payment (check payable to "TCEQ" and referencing Aqua Utilities, Inc., Docket No. 2020-0665-PWS-E) to:

Mr. Robert Laughman
Page 2
August 10, 2020

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

Should you believe you are unable to pay the proposed administrative penalty, you may claim financial inability to pay part or all of the penalty amount. In order to qualify for financial inability to pay, the penalty must exceed \$3,600 and be greater than 1% of annual gross revenues. If this is the case, please contact us immediately to obtain a list of financial disclosure documents that must be submitted within 30 days of the receipt of this letter. These documents, once properly completed and submitted, will be thoroughly reviewed to determine if we agree with the claim of financial inability. Please be aware that if financial inability is proven to the satisfaction of staff, discussions pertaining to the penalty amount adjustment will focus only on deferral and not on waiver of the penalty amount.

You may be able to perform or contribute to a Supplemental Environmental Project ("SEP"), which is a project that benefits the environment, to offset a portion of your penalty. If you are interested in performing an SEP, you must agree to the penalty amount and submit an SEP proposal within 30 days of receipt of this proposed order.

For additional information about the types of SEPs available and eligibility criteria, please go to the TCEQ's web site link at <http://www.tceq.texas.gov/legal/sep/> or contact the Enforcement Coordinator listed below.

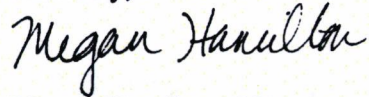
Please note that any agreements we reach are subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).

If we cannot reach a settlement of this enforcement action or you do not wish to participate in this expedited process, we will proceed with enforcement under the Commission's Enforcement Rules, 30 TEX. ADMIN. CODE ch. 70. Specifically, if the signed order and penalty are not mailed and postmarked within 60 days from the date of this letter, your case will be forwarded to the Litigation Division and this settlement offer will no longer be available. The enforcement process described in 30 TEX. ADMIN. CODE ch. 70 requires the staff to prepare and issue an Executive Director's Preliminary Report and Petition to the Commission. If you would like to obtain a copy of 30 TEX. ADMIN. CODE ch. 70, or any other TCEQ rules, the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI-032) are located on our agency website at <http://www.tceq.texas.gov> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from the Central Office Publications Ordering Team at (512) 239-0028.

Mr. Robert Laughman
Page 3
August 10, 2020

For any questions or comments about this matter or to arrange a meeting, please contact Mr. Aaron Vincent of my staff at (512) 239-0855 or Aaron.Vincent@tceq.texas.gov.

Sincerely,



Megan Hamilton, Manager
Enforcement Division
Texas Commission on Environmental Quality

MH/av

Enclosures: Proposed Agreed Order, Penalty Calculation Worksheet, Site Compliance History

cc: Mr. Joaquin O. Montes, Drinking Water Compliance Coordinator, Aqua Texas, Inc.,
1106 Clayton Lane, Suite 400W, Austin, Texas 78723, JOMontes@AquaAmerica.com

Mr. Scot W. Foltz, Environmental Compliance Manager, Aqua Texas, Inc., 1106 Clayton
Lane, Suite 400W, Austin, Texas 78723, SWFoltz@AquaAmerica.com

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
AQUA UTILITIES, INC.
RN102673894**

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

AGREED ORDER DOCKET NO. 2020-0665-PWS-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Aqua Utilities, Inc. (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 it has 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 303 Cambridge Street near Victoria, Victoria County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 151 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(71).
2. During an investigation conducted on January 16, 2020, an investigator documented that:
 - a. The waterline crossing Marcado Creek was not in a separate watertight pipe encasement with valves on each side, nor had the Facility obtained permission from the Executive Director to omit the watertight pipe encasement.
 - b. A hole was observed on the roof of the 0.043 million-gallon ("MG") ground storage tank ("GST").

- c. The Respondent did not notify the Executive Director prior to replacing the well pump rated at 150 gallons per minute ("gpm") and the 15-horsepower motor at Well No. 3 with a well pump rated at 95 gpm and a 7.5-horsepower motor.
 - d. Water samples collected from the distribution system on January 16, 2020 were discolored due to elevated levels of suspended solids.
 - e. A Backflow Prevention Assembly ("BPA") Test and Maintenance Report form noted that the relief valve was not opening during a test on the reduced pressure zone device ("RPZ") installed at the wastewater treatment plant, indicating that the RPZ had reduced backflow prevention capabilities and it was not operating within the manufacturer's specifications.
3. The Executive Director recognizes that by February 29, 2020, the Respondent repaired the hole on the roof of the 0.043 MG GST.

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.a, the Respondent failed to encase the waterline in a separate watertight pipe encasement and provide valves on each side of the crossing when waterlines are laid under any flowing or intermittent stream, in violation of 30 TEX. ADMIN. CODE § 290.44(f)(2).
- 3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
- 4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to notify the Commission prior to making any significant change or addition where the change in the existing distribution system results in an increase or decrease in production, treatment, storage, or pressure maintenance capacity, in violation of 30 TEX. ADMIN. CODE § 290.39(j)(1)(A) and TEX. HEALTH & SAFETY CODE § 341.0351.
- 5. As evidenced by Finding of Fact No. 2.d, the Respondent failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4).
- 6. As evidenced by Finding of Fact No. 2.e, the Respondent failed to have all BPAs tested upon installation and on an annual basis by a recognized BPA tester and certify that they are operating within specifications, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(4).

7. 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.
8. An administrative penalty in the amount of \$9,630 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 \$9,630 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. 8 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: Aqua Utilities, Inc., Docket No. 2020-0665-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 60 days after the effective date of this Order:
 - i. Maintain all distribution system lines free of excessive solids, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - ii. Ensure that all BPAs are tested upon installation and on an annual basis by a recognized BPA tester and certify that they are operating within specifications, including but not limited to the RPZ installed at the wastewater treatment plant, in accordance with 30 TEX. ADMIN. CODE § 290.44.
 - b. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i and 2.a.ii.

- c. Within 90 days after the effective date of this Order, ensure that all waterlines that are laid under any flowing or intermittent stream are encased in a separate watertight pipe and valves are provided on each side of the stream crossing, or obtain permission from the Executive Director for the watertight pipe encasement to be omitted, including but not limited to the waterline at Mercado Creek, in accordance with 30 TEX. ADMIN. CODE § 290.44.
- d. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.
- e. Within 180 days after the effective date of this Order, submit accurate, up-to-date, and detailed as-built plans, specifications, and engineering reports for the significant changes made to the Facility's production, including but not limited to the replaced well pump and motor at Well No. 3, in accordance with 30 TEX. ADMIN. CODE § 290.39. The plans, specifications, and reports shall be submitted to:

Plan Review Team
Water Supply Division, MC 159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning plans and specifications within 15 days after the date of such requests, or by any other deadline specified in writing.

- f. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e.
- g. Within 270 days after the effective date of this Order, obtain approval of the as-built plans and specifications for the significant changes made to the Facility from the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.39.
- h. Within 285 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.g. 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:

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
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5839

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 Order Compliance Team 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

For the Executive Director

Date

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

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

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

Date

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

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.



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES Assigned **27-Apr-2020**
PCW **20-May-2020** Screening **7-May-2020** EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent **Aqua Utilities, Inc.**
Reg. Ent. Ref. No. **RN102673894**
Facility/Site Region **14-Corpus Christi** Major/Minor Source **Major**

CASE INFORMATION

Enf./Case ID No. **59325** No. of Violations **5**
Docket No. **2020-0665-PWS-E** Order Type **Findings**
Media Program(s) **Public Water Supply** Government/Non-Profit **No**
Multi-Media Enf. Coordinator **Aaron Vincent**
EC's Team **Enforcement Team 2**
Admin. Penalty \$ Limit Minimum **\$50** Maximum **\$5,000**

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 **\$9,350**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **5.0%** Adjustment Subtotals 2, 3, & 7 **\$467**

Notes **Enhancement for one NOV with the same/similar violations.**

Culpability **No** **0.0%** Enhancement Subtotal 4 **\$0**

Notes **The Respondent does not meet the culpability criteria.**

Good Faith Effort to Comply Total Adjustments Subtotal 5 **-\$187**

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

Total EB Amounts **\$1,223**
Estimated Cost of Compliance **\$6,000**
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal **\$9,630**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$9,630**

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty **\$9,630**

DEFERRAL **0.0%** Reduction Adjustment **\$0**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$9,630**

Screening Date 7-May-2020

Docket No. 2020-0665-PWS-E

PCW

Respondent Aqua Utilities, Inc.

Case ID No. 59325

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN102673894

Media Public Water Supply

Enf. Coordinator Aaron Vincent

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>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for one NOV with the same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 5%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 5%

Screening Date 7-May-2020

Docket No. 2020-0665-PWS-E

PCW

Respondent Aqua Utilities, Inc.

Policy Revision 4 (April 2014)

Case ID No. 59325

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN102673894

Media Public Water Supply

Enf. Coordinator Aaron Vincent

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.44(f)(2)

Violation Description

Failed to encase the waterline in a separate watertight pipe encasement and provide valves on each side of the crossing when waterlines are laid under any flowing or intermittent stream. Specifically, the waterline crossing Marcado Creek was not in a separate watertight pipe encasement with valves on each side, nor had the Facility obtained permission from the Executive Director to omit the watertight pipe encasement.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to take special precautions when installing waterlines under any flowing or intermittent stream could allow infiltration, thereby exposing persons served by the Facility to contaminants which would exceed levels that are protective of human health.

Adjustment \$3,500

\$1,500

Violation Events

Number of Violation Events 4

112 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$6,000

Four monthly events are recommended, calculated from the January 16, 2020 Investigation date to the May 7, 2020 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	
N/A	x

Notes

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

Violation Subtotal \$6,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$695

Violation Final Penalty Total \$6,300

This violation Final Assessed Penalty (adjusted for limits) \$6,300

Economic Benefit Worksheet

Respondent Aqua Utilities, Inc.
Case ID No. 59325
Reg. Ent. Reference No. RN102673894
Media Public Water Supply
Violation No. 1

Percent Interest 5.0
Years of Depreciation 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)				0.00	\$0	\$0	\$0
Engineering/Construction	\$2,500	13-Feb-2017	1-Feb-2021	3.97	\$33	\$662	\$695
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 necessary to encase the waterline and install valves at points where the line crosses any flowing or intermittent stream, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$695

Screening Date 7-May-2020 Respondent Aqua Utilities, Inc. Case ID No. 59325 Reg. Ent. Reference No. RN102673894 Media Public Water Supply Enf. Coordinator Aaron Vincent Violation Number 2 Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)	Docket No. 2020-0665-PWS-E	PCW <small>Policy Revision 4 (April 2014) PCW Revision September 1, 2019</small>
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Violation Description Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, a hole was observed on the roof of the 0.043 million-gallon ("MG") ground storage tank ("GST").

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Major	Harm Moderate	Minor	
	Actual				
	Potential		x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	
				Percent 0.0%

Matrix Notes Failure to maintain the good working condition and general appearance of the Facility could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events	1	44	Number of violation days
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daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$750

One quarterly event is recommended, calculated from the January 16, 2020 Investigation date to the February 29, 2020 compliance date.

Good Faith Efforts to Comply

	25.0%	
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Reduction \$187

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

Notes The Respondent achieved compliance by February 29, 2020.

Violation Subtotal \$563

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount	\$35	Violation Final Penalty Total	\$601
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This violation Final Assessed Penalty (adjusted for limits) \$601

Economic Benefit Worksheet

Respondent Aqua Utilities, Inc.
Case ID No. 59325
Reg. Ent. Reference No. RN102673894
Media Public Water Supply
Violation No. 2

Percent Interest 5.0
Years of Depreciation 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)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	4-Oct-2018	29-Feb-2020	1.41	\$35	n/a	\$35

Notes for DELAYED costs

The delayed cost includes the estimated amount to repair the hole on the roof of the 0.043 MG GST, calculated from the date of the investigation initially documenting the violation to the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$35

Screening Date 7-May-2020 Respondent Aqua Utilities, Inc. Case ID No. 59325 Reg. Ent. Reference No. RN102673894 Media Public Water Supply Enf. Coordinator Aaron Vincent Violation Number 3 Rule Cite(s) 30 Tex. Admin. Code § 290.39(j)(1)(A) and Tex. Health & Safety Code § 341.0351	Docket No. 2020-0665-PWS-E	PCW <small>Policy Revision 4 (April 2014) PCW Revision September 1, 2019</small>
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Violation Description
 Failed to notify the Commission prior to making any significant change or addition where the change in the existing distribution system results in an increase or decrease in production, treatment, storage, or pressure maintenance capacity. Specifically, the Respondent did not notify the Executive Director prior to replacing the well pump rated at 150 gallons per minute ("gpm") and the 15-horsepower motor at Well No. 3 with a well pump rated at 95 gpm and a 7.5-horsepower motor.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Major	Harm Moderate	Minor	
	Actual				
	Potential				

Percent 0.0%

>>> Programmatic Matrix

Falsification	Major	Moderate	Minor	
	x			

Percent 15.0%

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

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 1
112 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$750

One single event is recommended.

Good Faith Efforts to Comply

0.0% **Reduction** \$0

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

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

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test
Estimated EB Amount \$99
Violation Final Penalty Total \$788

This violation Final Assessed Penalty (adjusted for limits) \$788

Economic Benefit Worksheet

Respondent Aqua Utilities, Inc.
Case ID No. 59325
Reg. Ent. Reference No. RN102673894
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	4-Oct-2018	31-Jul-2021	2.82	\$5	\$94	\$99
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 submit accurate, up-to-date, and detailed as-built plans, specifications, and engineering reports and obtain approval for the significant changes made to the Facility's production, including but not limited to the replaced well pump and motor at Well No. 3, calculated from the date of the Investigation Initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$99

Screening Date 7-May-2020 Respondent Aqua Utilities, Inc. Case ID No. 59325 Reg. Ent. Reference No. RN102673894 Media Public Water Supply Enf. Coordinator Aaron Vincent Violation Number 4 Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(4)	Docket No. 2020-0665-PWS-E	PCW <small>Policy Revision 4 (April 2014) PCW Revision September 1, 2019</small>
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Violation Description Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids. Specifically, water samples collected from the distribution system on January 16, 2020 were discolored due to elevated levels of suspended solids.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes Failure to maintain the distribution system lines free of excessive solids could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,650

\$350

Violation Events

Number of Violation Events 1		112 Number of violation days
-------------------------------------	--	--

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$350

One single event is recommended.

Good Faith Efforts to Comply

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

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

Violation Subtotal \$350

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	Violation Final Penalty Total
\$79	\$368

This violation Final Assessed Penalty (adjusted for limits) \$368

Economic Benefit Worksheet

Respondent Aqua Utilities, Inc.
Case ID No. 59325
Reg. Ent. Reference No. RN102673894
Media Public Water Supply
Violation No. 4

Percent Interest 5.0
Years of Depreciation 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)	\$500	4-Oct-2018	2-Jan-2021	2.25	\$4	\$75	\$79
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 maintain the distribution system lines free of excessive solids, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$79

Screening Date 7-May-2020
Respondent Aqua Utilities, Inc.
Case ID No. 59325
Reg. Ent. Reference No. RN102673894
Media Public Water Supply
Enf. Coordinator Aaron Vincent
Violation Number 5
Rule Cite(s)

Docket No. 2020-0665-PWS-E

PCW

Policy Revision 4 (April 2014)
PCW Revision September 1, 2019

Violation Description
 30 Tex. Admin. Code § 290.44(h)(4)
 Failed to have all backflow prevention assemblies ("BPAs") tested upon installation and on an annual basis by a recognized BPA tester and certify that they are operating within specifications. Specifically, a BPA Test and Maintenance Report form noted that the relief valve was not opening during a test on the reduced pressure zone device ("RPZ") installed at the wastewater treatment plant, indicating that the RPZ had reduced backflow prevention capabilities and it was not operating within the manufacturer's specifications.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				15.0%
Potential		x		

>> Programmatic Matrix

Matrix Notes	Harm			Percent
	Major	Moderate	Minor	
				0.0%
Failure to maintain BPAs that are operating within specifications could result in a reverse flow of contaminants entering into the water mains which could result in persons served by the Facility being exposed to a significant amount of contaminants which would not exceed levels protective of human health.				

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 2 112 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,500

Two quarterly events are recommended, calculated from the January 16, 2020 Investigation date to the May 7, 2020 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$315

Violation Final Penalty Total \$1,575

This violation Final Assessed Penalty (adjusted for limits) \$1,575

Economic Benefit Worksheet

Respondent Aqua Utilities, Inc.
Case ID No. 59325
Reg. Ent. Reference No. RN102673894
Media Public Water Supply
Violation No. 5

Percent Interest 5.0
Years of Depreciation 15

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

Equipment	\$2,000	4-Oct-2018	2-Jan-2021	2.25	\$15	\$300	\$315
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to repair or replace the RPZ installed at the wastewater treatment plant and certify that it is operating within specifications, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$315

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN602787509, RN102673894, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or Owner/Operator: CN602787509, Aqua Utilities, Inc. **Classification:** SATISFACTORY **Rating:** 27.51

Regulated Entity: RN102673894, BRENTWOOD SUBDIVISION **Classification:** NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 14 - Other

Location: 303 Cambridge Street near Victoria, Victoria County, Texas

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2350005 WATER LICENSING LICENSE 2350005

Compliance History Period: September 01, 2014 to August 31, 2019 **Rating Year:** 2019 **Rating Date:** 09/01/2019

Date Compliance History Report Prepared: July 31, 2020

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: July 31, 2015 to July 31, 2020

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

Name: Aaron Vincent **Phone:** (512) 239-0855

Site and Owner/Operator History:

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

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

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

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):
Item 1 June 17, 2019 (1558261)

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: 11/21/2019 (1581678)
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 290, SubChapter D 290.44(f)(1)
30 TAC Chapter 290, SubChapter D 290.44(f)(2)
- Description: Failed to take special precautions when waterlines are laid under any flowing or intermittent stream or semipermanent body of water such as a marsh, bay or estuary. In these cases, the water main shall be installed in a separate watertight pipe encasement and valves must be provided on each side of the crossing with facilities to allow the underwater portion of the system to be isolated and tested to determine that there are no leaks in the underwater line.

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(6) 30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failed to use maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.39(j) 30 TAC Chapter 290, SubChapter D 290.39(j)(1) 30 TAC Chapter 290, SubChapter D 290.39(j)(1)(A)		
Description:	Failed to notify the executive director prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities. Significant changes in existing systems or supplies shall not be instituted without prior approval of the executive director.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(4)		
Description:	Failed to ensure all treatment units, storage and pressure facilities, distribution lines, and related appurtenances are free of excessive solids.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.44(h)(4) 30 TAC Chapter 290, SubChapter D 290.44(h)(4)(C)		
Description:	Failed to test and certify all backflow prevention assemblies which are installed to provide protection against health hazards to be operating within specifications at least annually by a licensed backflow prevention assembly tester.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A) 30 TAC Chapter 290, SubChapter F 290.110(b)(4)		
Description:	Failed to maintain a free disinfectant residual concentration in the water within the distribution system of at least 0.2 mg/L.		

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