

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. 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." Order No. 2 directed Aqua to supplement the Application "to cure the deficiencies as described" by Staff in its initial recommendation.

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

<sup>&</sup>lt;sup>1</sup> Commission Staff's Recommendation on Administrative Completeness and Proposed Notice (Nov. 20, 2020).

<sup>&</sup>lt;sup>2</sup> Id. at attached Staff Memorandum.

<sup>&</sup>lt;sup>3</sup> 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.<sup>5</sup> 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

<sup>&</sup>lt;sup>4</sup> Application for Sale, Transfer, or Merger of a Retail Public Utility at pp. 76–263 (Nov. 10, 2020).

<sup>5 11</sup> 

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,

Bv:

Geoffrey P. Kirshbaum State Bar No. 24029665 TERRILL & WALDROP 810 W. 10<sup>th</sup> Street Austin Texas 78701

Austin, Texas 78701

(512) 474-9100

(512) 474-9888 (fax)

gkirshbaum@terrillwaldrop.com

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

Leoffrey t. Kirkham

### **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

OCT 0 2 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 questious 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 <a href="https://www.tceq.texas.gov/compliance/enforcement/sep">https://www.tceq.texas.gov/compliance/enforcement/sep</a> 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 <a href="http://www.tceq.texas.gov">http://www.tceq.texas.gov</a> 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 Page 3 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

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

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 \$ BEFORE THE
ENFORCEMENT ACTION \$
CONCERNING \$ TEXAS COMMISSION ON
AQUA TEXAS, INC. \$
RN101516789 \$ 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:

	BOD <sub>5</sub>	Escherichia coli		Total Suspended Solids		olids
Monitoring Period	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	С	2,419	43	75	11.34
November 2019	c	С	2,419	С	С	С

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.

Aqua Texas, Inc.

# **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 Title Name (Printed or typed) Authorized Representative of

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

# Aqua Texas, Inc.

# TPDES Permit No. WQ0010742001

# Docket No. 2020-1060-MWD-E

Case No. 59685

		Effluen	t Violation Tab	le		
	BOD <sub>5</sub>	Escherichia coli		li Total Suspended Solids		olids
Monitoring Period	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	С	9.25
October 2019	25.5	c	2,419	43	<i>7</i> 5	11.34
November 2019	c	c	2,419	С	c	С

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)



**PAYABLE PENALTY** 

# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

CW Revision March 26, 2014

\$15,300

Policy	EVISION 4 (April 2014)	PCW REVISION HAICH 20, 2014
	10-Aug-2020   14-Aug-2020   EPA Due	
RESPONDENT/FACILI	TY INFORMATION	
	Aqua Texas, Inc.	
Reg. Ent. Ref. No.		
Facility/Site Region	14-Corpus Christi Major/Minor Source Minor	-
<u> </u>		
CASE INFORMATION		
Enf./Case ID No.	59685 No. of Violations 1	
	2020-1060-MWD-E Order Type 1660	
(a) Media Program	Water Quality Government/Non-Profit No	
Multi-Media	30 Enf. Coordinator Alyss	a Loveday
1	EC's Team Enfor	cement Team 1
. Admin. Penalty \$ I	Limit Minimum \$0 Maximum \$25,000	-
	Penalty Calculation Section	
TOTAL BASE PENA	LTY (Sum of violation base penalties) sui	btotal 1 \$11,250
Subtotals 2-7 are of	/-) TO SUBTOTAL 1 stained by multiplying the Total Base Penalty (Subtotal 1) by the Indicated percentage.	0.0.0
Compliance Hi	story 20.0% Adjustment Subtotals 2	2, 3, 4 7 \$2,250
Notes	Enhancement for four months of self-reported effluent violations.	
Culpability	No 0.0% Enhancement Sui	btotal 4 \$0
Notes	The Respondent does not meet the culpability criteria.	
Good Faith Eff	ort to Comply Total Adjustments Sui	btotal 5 \$0
Economic Bend	### \$50.0% Enhancement*	s5,625
SUM OF SUBTOTAL	LS 1-7 Final S	Subtotal \$19,125
	AS JUSTICE MAY REQUIRE 0.0% Adjusticated percentage.	stment \$0
Notes		
	Final Penalty A	Amount \$19,125
STATUTORY LIMIT	ADJUSTMENT Final Assessed	Penalty \$19,125
<b>DEFERRAL</b> Reduces the Final Assessed Pe	nalty by the indicated percentage.	-\$3,825
Notes	Deferral offered for expedited settlement.	

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, CN604062463, Aqua Texas, Inc. Classification: SATISFACTORY Rating: 5.86

or Owner/Operator:

Regulated Entity: RN101516789, BRENTWOOD MANOR Classification; SATISFACTORY Rating: 0.89

SUBDIVISION WWTP

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 W00010742001** 

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?

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	(1665884)

### 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: Falled 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 Regs; No. 1 PERMIT

Description: Failed to accurately complete the discharge monitoring reports.

Self Report? NO Classification: Min

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Monitoring and Reporting Reqs; No. 7(c) PERMIT

Description: Falled 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):

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

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: <u>image001.png</u>

image002.png image003.png image004.png Brentwood GST 4.ipg Brentwood GST 3.ipg Brentwood GST 2.ipg Brentwood GST.ipg Brentwood GST.ipg Brentwood GST 5.ipg

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 < <u>GSmith@aquaamerica.com</u>> **Cc:** Garcia, Chris A < <u>CAGarcia@aquaamerica.com</u>>

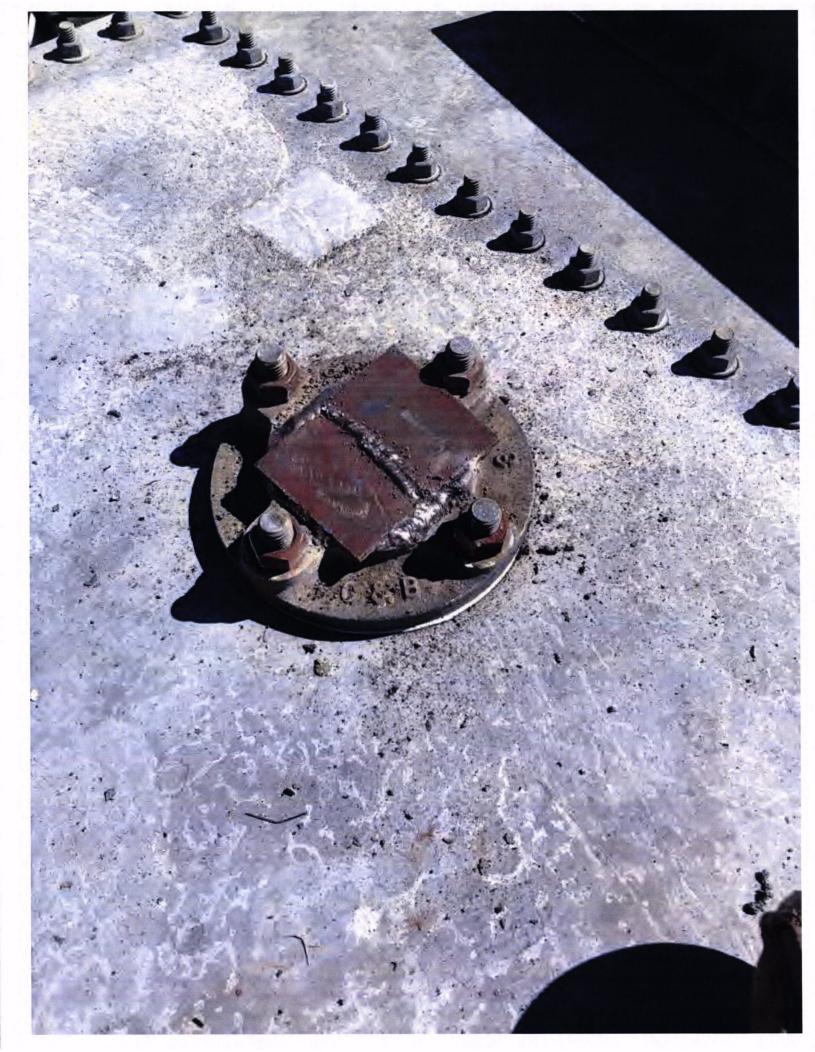
Subject: 05072020 Brentwood NOE

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

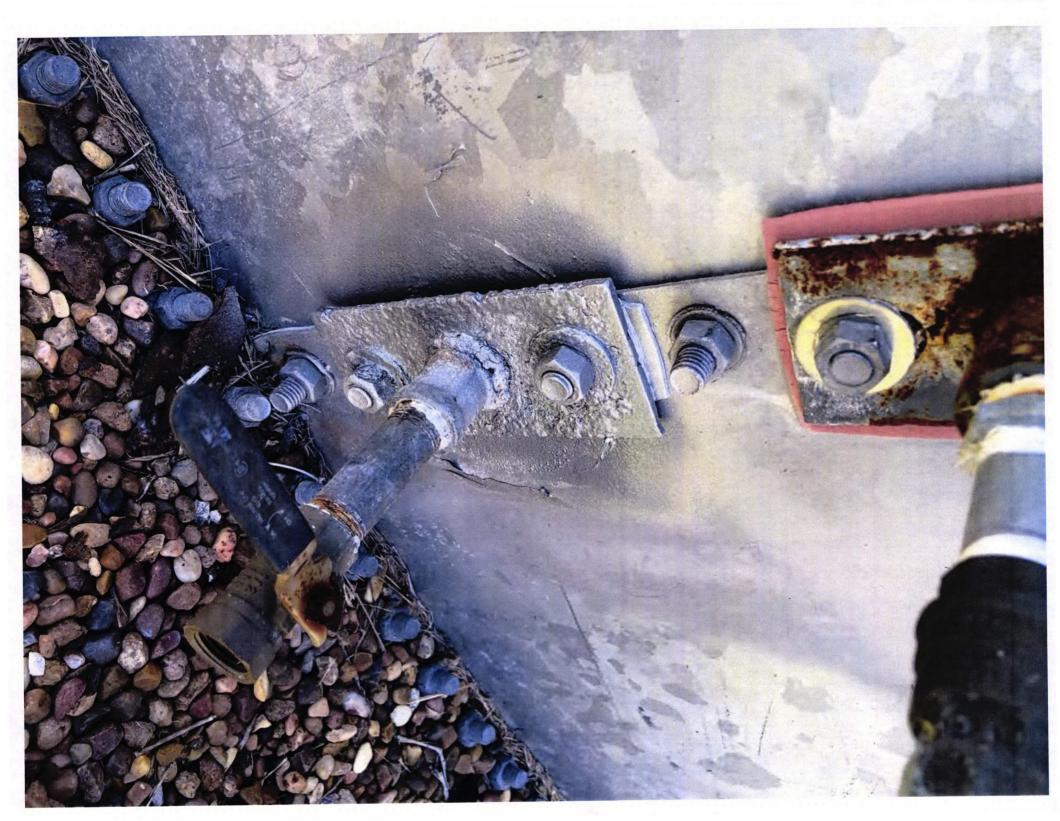
aqua_cv_signature_2
JOAQUIN O. MONTES
<b>Drinking Water Compliance Coordinator</b>
Aqua Texas Inc.
1106 Clayton Lane, Suite 400W, Austin, Texas 78723
O: 512.990.4400 ext. 56109 M:512.529.9750











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@aguaamerica.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' < <a href="mailto:Eric.Lindgren@Tceq.Texas.Gov">Eric.Lindgren@Tceq.Texas.Gov</a>>

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@Tcea.Texas.Gov>

Sent: Friday, February 28, 2020 4:54 PM

**To:** Smith, Gregory I < <u>GSmith@aquaamerica.com</u>>

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 <u>request an exception</u> 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.

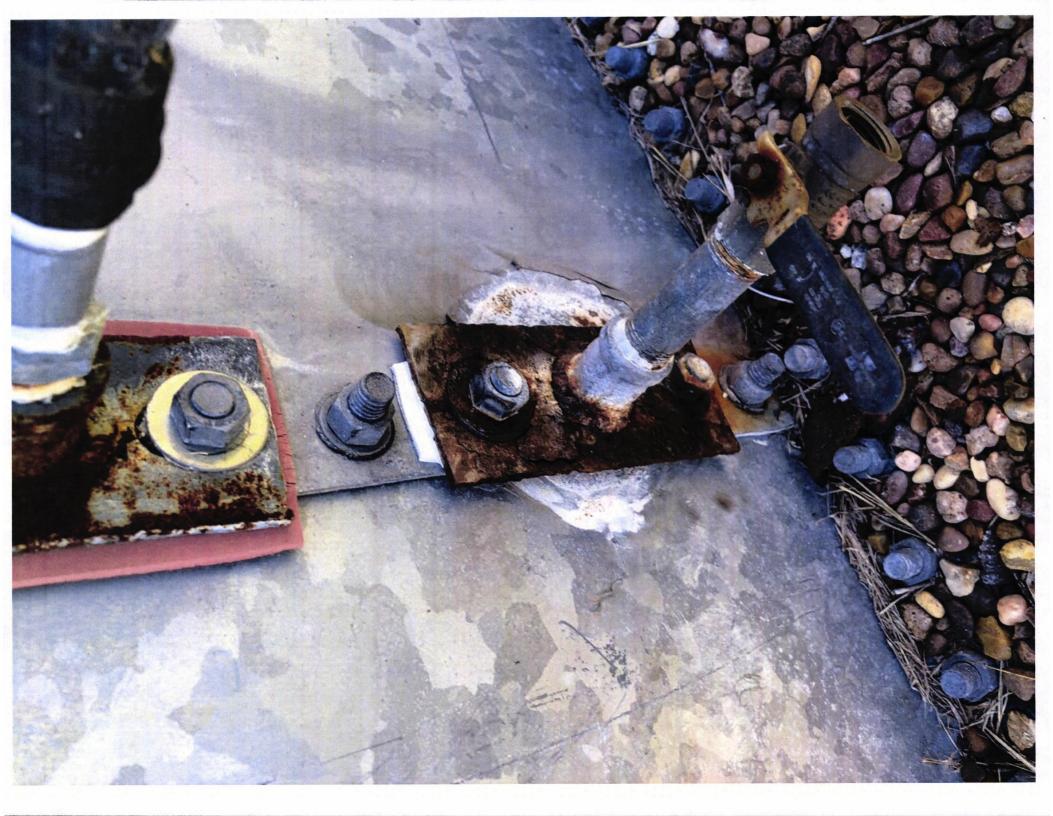
Thanks,

# **Eric Lindgren**

Senior Environmental Investigator

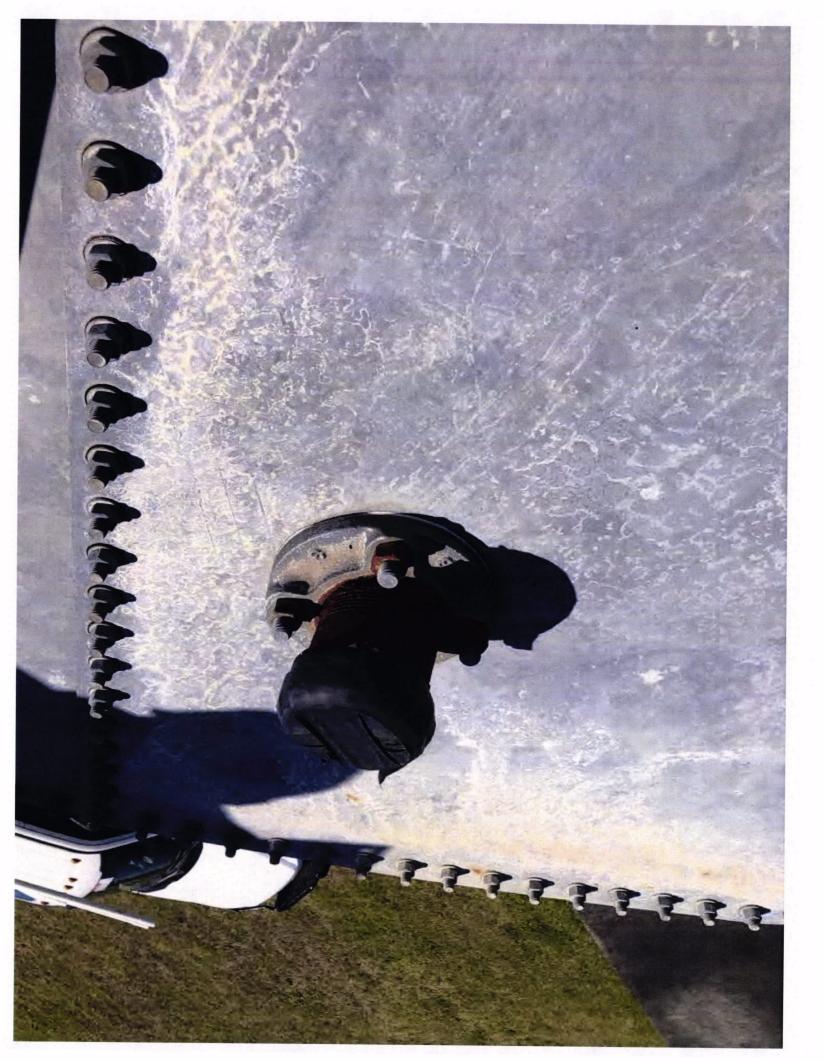
TCEQ Corpus Christi - Region 14 | Water Section 6300 Ocean Dr., NRC Bidg., Ste. 1200, Unit 5839 Corpus Christi, TX 78412 p. 361-825-3127 f. 361-825-3101 e. eric.lindgren@tceq.texas.gov

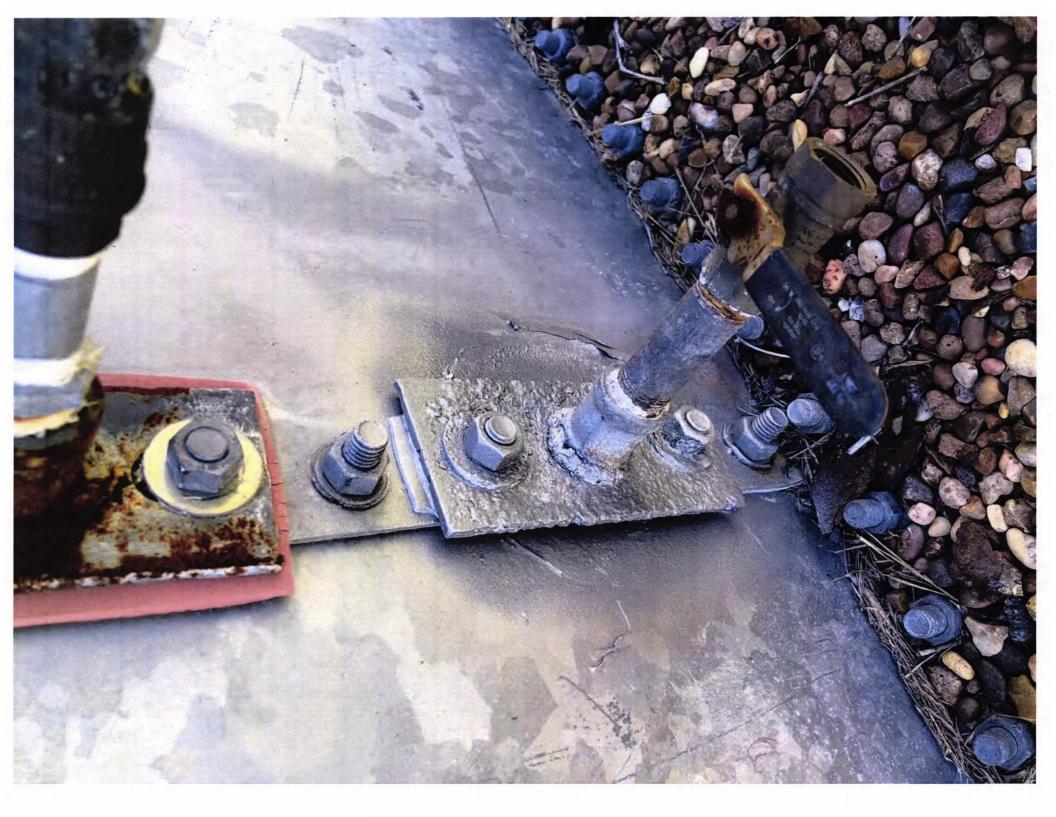
www tceq texas.gov











From: Montes, Joaquin O To: aaron.vincent@tceq.texas.gov Cc: Smith, Gregory I; Garcia, Chris A; Foltz, Scot W 08132020\_Brentwood TX2350005\_PAO\_DN2020-0665-pws-e ECN59325\_08102020 Subject: 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.msq FW EXTERNAL TCEO Enforcement - Aqua Utilities Inc (Brentwood Subdivision).msq Importance: 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** 

Aqua Texas Inc.

**Drinking Water Compliance Coordinator** 

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 <a href="http://www.tceq.texas.gov/legal/sep/">http://www.tceq.texas.gov/legal/sep/</a> 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 <a href="http://www.tceq.texas.gov">http://www.tceq.texas.gov</a> 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 <u>Aaron.Vincent@tceq.texas.gov</u>.

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, <u>JOMontes@AquaAmerica.com</u>

Mr. Scot W. Foltz, Environmental Compliance Manager, Aqua Texas, Inc., 1106 Clayton Lane, Suite 400W, Austin, Texas 78723, <a href="mailto:SWFoltz@AquaAmerica.com">SWFoltz@AquaAmerica.com</a>

# **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
AQUA UTILITIES, INC.	§	
RN102673894	§	ENVIRONMENTAL QUALITY

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

On	, the Texas Commission on Environmental Quality ("the
Commission" or "	ICEQ") considered this agreement of the parties, resolving an enforcement
action regarding A	Aqua Utilities, Inc. (the "Respondent") under the authority of TEX. HEALTH &
SAFETY CODE ch. 3	141. The Executive Director of the TCEQ, through the Enforcement Division,
	nt 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 asbuilt 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.

- This Order may be executed in separate and multiple counterparts, which together shall 9. 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 TCEO 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) Title Authorized Representative of Aqua Utilities, Inc.

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



**PAYABLE PENALTY** 

# Penalty Calculation Worksheet (PCW) Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

\$9,630

DATES	Assigned PCW	27-Apr-2			g 7-May-	2020	EPA Due	and the second		
Approximation de la regione	top error i discrimente anno production de la colonia de l	The second second second			g /-May-	2020	EPA Due			and the second s
RESPO	NDENT/FACIL	The second secon	The second second second		and the same	niversity of				
Dos	Respondent			C		-				
	. Ent. Ref. No. ty/Site Region						Major/M	nor Source	Major	
raciiii	ty/ Site Region	14 Corpus	Cilist				1-10,0171-11	nor Source	Tiajor	
The second second second second	NFORMATION	P. Bargarite M.								STATE OF THE PARTY.
En	f./Case ID No.					1000		f Violations		
	Docket No.							Order Type		eral -
Med	lia Program(s)		ter Sup	ply			Government			
	Multi-Media						Ent. (		Aaron Vincent Enforcement Team	2
Adn	nin. Penalty \$	Limit Mini	mum	\$50	Maxim	um [	\$5,000		Elliorecine real	
				Pena	Ity Cal	culat	ion Section	n		
TOTAL	L BASE PEN	ALTY (SI	ım of		Santa balance and substant and substant				Subtotal 1	\$9,350
ADTH	STMENTS (+	/-) TO 6	LIBTO	TAL 1						
ADJUS					e Penalty (Su	ubtotal 1)	by the indicated pe	rcentage.		
	Compliance H				PROPERTY AND ADDRESS OF THE PARTY OF THE PAR	5.0%	Adjustment		otals 2, 3, & 7	\$467
				The state of					and the second	
	Notes	En	hancem	ent for one	e NOV with	the sa	me/similar viola	tions.		
				A Part of the Part	THE CONTRACTOR OF			and the second second		
	Culpability	No				0.0%	Enhancement		Subtotal 4	\$0
		1900 Long								
	Notes		ine ke	spondent d	oes not me	eet tne	culpability crite	ria.	Name of the state of the state of	
		MALINE VI							The second second second	4407
	Good Faith Eff	rort to Col	mply 10	otal Adjus	tments				Subtotal 5	-\$187
	<b>Economic Ben</b>			destina			Enhancement*	- CONTRACTOR AND ADDRESS OF THE PARTY OF THE	Subtotal 6	\$0
700	Estimate	Total EB A d Cost of Com		\$1,223 \$6,000		*Capped	at the Total EB \$ A	mount		
	Country		.p.i.d.i.de_	40,000						
SUM (	OF SUBTOTA	LS 1-7							Final Subtotal	\$9,630
OTHE	D EACTORS	AC ILICT	TCE M	AV DEO	ITOE	Г	0.00			\$0
	R FACTORS					L	0.0%		Adjustment	70
ACCUDECT C				A DE PERSONAL		10 10 L. W	The second second			
	Notes	146								
		13,000								
		4.1.2		200	211212	100		Final Pe	nalty Amount	\$9,630
		gers of Taylor and the							the state of the s	
STATU	UTORY LIMI	T ADJUS	TMEN					Final Ass	essed Penalty	\$9,630
DEFE	RRAL	North Control of the Control					0.0%	Reduction	Adjustment	\$0
Reduces t	the Final Assessed P	enalty by the	Indicated	percentage.		- 11.1				Mark Disk
	Notes	HEAR	No d	eferral is r	ecommend	ded for	Findings Orders			
				Carlo Maria	in the	200	All the party of the last of t			
						The second			THE PARTY OF THE P	

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

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

omponent		ncement (Subtotal 2)	Number	Adjust
NOVs		s of violation ("NOVs") with same or similar violations as those in forcement action (number of NOVs meeting criteria)	1	5%
	Other written		0	0%
	Any agreed fit orders meeting	nal enforcement orders containing a denial of liability (number of g criteria)	0	0%
Orders	without a de	ted final enforcement orders, agreed final enforcement orders nial of liability, or default orders of this state or the federal or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	of liability of	dicated final court judgments or consent decrees containing a denial this state or the federal government (number of judgments or es meeting criteria)	0	0%
Decrees		ed final court judgments and default judgments, or non-adjudicated gments or consent decrees without a denial of liability, of this state government	0	0%
Convictions	Any criminal counts)	convictions of this state or the federal government (number of	0	0%
Emissions	Chronic excess	sive emissions events (number of events)	0	0%
Audits	Texas Environ	ng the executive director of an intended audit conducted under the imental, Health, and Safety Audit Privilege Act, 74th Legislature, of audits for which notices were submitted)	0	0%
Audits		violations under the Texas Environmental, Health, and Safety Audit 74th Legislature, 1995 ( <i>number of audits for which violations were</i>	0	0%
	Environmental	management systems in place for one year or more	No	0%
Other		site compliance assessments conducted by the executive director all assistance program	No	0%
Other	Participation in	n a voluntary pollution reduction program	No	0%
		nce with, or offer of a product that meets future state or federal nvironmental requirements	No	0%
		Adjustment Perd	entage (Su	btotal 2
eat Violator	(Subtotal 3)			
N/A	A	Adjustment Per	entage (Su	btotal 3
pliance His	tory Person Cl	assification (Subtotal 7)		
Satisfactory	Performer	Adjustment Perd	entage (Su	btotal 7
pliance His	tory Summary			
Compliance History Notes		Enhancement for one NOV with the same/similar violations.		
C	Nistay Ad	Total Compliance History Adjustment Percentage (S	ubtotals 2	, 3, & 7
Compliance	History Adjus	Final Adjustment Percenta		

	eening Date Respondent	7-May-2020 Aqua Utilities, I	nc.	Dock	et No. 2020-0665-PWS-E	Policy Revis	PCW Ion 4 (April 2014)
	Case ID No.					PCW Revision S	eptember 1, 2019
Reg. Ent. Re							
Enf :	media Coordinator	Public Water Su	ibbly				
	lation Number						
	Rule Cite(s)						
			30 Te:	k. Admin. Code	e § 290.44(f)(2)	E. Line	
Violati	on Description	provide valve flowing or inte was not in a	es on each side ermittent stream separate water cility obtained p	of the crossing. Specifically, tight pipe enco	rate watertight pipe encasement of when waterlines are laid un the waterline crossing Marca asement with valves on each of the Executive Director to or encasement.	der any do Creek side, nor	
					Bas	e Penalty	\$5,000
>> Environme	ental, Prope	rty and Hum		Matrix			
	Release	Major	Harm Moderate	Minor			
OR	Actual		gratiget and	104707520-0			and the same of th
	Potential	X	December 1		Percent 30.0%		
>>Programm	Falsification	Major	Moderate	Minor			
	Talain cacion	THE STATE OF THE S	THOUGH THE		Percent 0.0%		
Notes	Street Court				served by the Facility to cont ctive of human health.  Adjustment	\$3,500	
							\$1,500
				THE REAL PROPERTY.		and the second	41,500
<b>Violation Ever</b>	nts						s a estás en a
	Number of	Violation Events	4		112 Number of violation	days	
		dally weekly monthly quarterly semiannual annual single event	X		Violation Bas	e Penalty	\$6,000
	Four monthly	events are reco		culated from t , 2020 screeni	he January 16, 2020 investig ing date.	ation date	
Good Faith Eff	forts to Com		0.0%			Reduction	\$0
		Extraordinary	THE RESERVE OF THE PERSON NAMED IN COLUMN TWO IS NOT THE PERSON NAMED IN COLUMN TWO IS NAME	NOE/NOV to EDP	PRP/Settlement Offer		
		Ordinary					
		N/A	×				
		Notes	The Responde		eet the good faith criteria for olation.		
					Violation	Subtotal	\$6,000
Economic Ben	efit (EB) for	this violati	on	KE BUILDING	Statutory Limi	t Test	
	Estimat	ed EB Amount		\$695	Violation Final Pen	alty Total	\$6,300
			This viola	tion Final Ac	sessed Penalty (adjusted	for (imits)	\$6,300
			I III TIVIE	woll i illui As	Manager - Citator   Manager		40,000

	E	conomic	Benefit	WO	rksneet		
Respondent Case ID No. Reg. Ent. Reference No.	59325						
	Public Water S					Percent Interest	Years of Depreciation
	u -mayberend	in a surface of				5.0	15
	Item Cost	Date Required	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Equipment	grant to the second			0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	to the district of			0.00	\$0	\$0	\$0
Engineering/Construction	\$2,500	13-Feb-2017	1-Feb-2021	3.97	\$33	\$662	\$695
Land		1. 100 年 10. 10 10 10 10 10 10 10 10 10 10 10 10 10	(1) (1) (1) (1) (1) (1) (1) (1) (1) (1)	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 \$0	n/a	\$0 \$0
Permit Costs Other (as needed)				0.00	\$0	n/a n/a	\$0
Notes for DELAYED costs	The second secon	Charles of the Control of the Contro			STATE OF THE PARTY	alculated from the di ted date of compliar	
							nce.
Avoided Costs			osts before e		Item (except fo	r one-time avoide	
Avoided Costs			osts before e		Item (except fo	r one-time avoided \$0	
			osts before e	0.00 0.00	\$0 \$0	\$0 \$0	\$0 \$0
Disposal Personnel Inspection/Reporting/Sampling			osts before e	0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment			osts before e	0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance			osts before e	0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs			osts before e	0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance			osts before e	0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs			osts before e	0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

		ening Date			Docket	No. 2020-0665-PWS-E		PCW
		tespondent Case ID No.	Aqua Utilities, Inc.					vision 4 (April 2014) September 1, 2019
Reg.			RN102673894				PCW REVISION	September 1, 2019
			Public Water Supp	ly				
	Enf. (	Coordinator	Aaron Vincent	100				
	Viol	ation Number	2					
		Rule Cite(s)		30 T	ex. Admin. Code §	290.46(m)		
			Falled to initiat	e maintena	nce and housekee	ping practices to ensure the	good	
	Violatio	n Description	working condition	and genera	al appearance of the	e system's facilities and eq of the 0.043 million-gallon	ulpment.	
						Base	Penalty	\$5,000
>> En	vironme	ntal, Proper	rty and Human	Health	Matrix			
	1000			Harm				
OR		Release		1oderate	Minor			
		Potential		x		Percent 15.0%		
		4 ta) 1 ta 2 a				Commence of the second		
>>Pro	gramma	tic Matrix						
		Falsification	Major N	1oderate	Minor	Borcont 0.00		
						Percent 0.0%		
		Failure to mai	ntain the good wor	king conditi	ion and general an	pearance of the Facility cou	ld evnoce	
	Matrix Notes	THE RESERVE THE PROPERTY OF TH	ved by the Facility	to a signific	CONTRACTOR OF THE PROPERTY OF	taminants which would not		
		nara na mana ana ana ana ana ana ana ana an					£4.2E0	
THE REAL PROPERTY.	Maria Colonya Maria					Adjustment	\$4,250	
								\$750
\*!=!=A!		de la completa del completa de la completa del completa de la completa del la completa de la completa del la completa de la completa del la completa de la completa de la completa del		i i i i i i i i i i i i i i i i i i i				
Violati	ion Even	ts						
		Number of	Violation Events	1	4	4 Number of violation	days	
					The state of the state of			
			daily					
			weekly					
			monthly quarterly	×		Violation Base	Penalty	\$750
			semiannual	^		Violation base	. Femaley	4750
			annual					
			single event					
		One quarter				nuary 16, 2020 investigation	n date to	
			the	February 2	29, 2020 compliance	e date.		
Good I	Faith Eff	orts to Com		25.0% re NOE/NOV	NOE/NOV to EDDDD/C	and the state of t	Reduction	\$187
			Extraordinary	E NUE/NUV	NOE/NOV to EDPRP/S	ecoement Orier		
			Ordinary	x				
			N/A					
			AND A LANGE OF THE					
			Notes	ne kespon	2020.	pliance by February 29,		
						Violation	Subtotal _	\$563
Econo	mic Ben	efit (EB) for	this violation			Statutory Limit	Test	
		Fetimet	ed EB Amount		\$35	Violation Final Pena	alty Total	\$601
		Zaciniat	LU AIIIVUIIL					a se a se e sust.
tell in				This vio	lation Final Asses	sed Penalty (adjusted for	or limits)	\$601

	2	Supply			7	Percent Interest	Years of Depreciati
						5.0	
	Item Cost	Date Required	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	EB Amoui
Item Description							
Delayed Costs		The state of the s	An head of the	State of			
Equipment	most to the			0.00	\$0	\$0	\$0
Buildings	是一個個問題的人	N. C. C. C. Strike From Man		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 \$0	n/a n/a	\$0 \$0
Topining /Complies			Marie Committee				
Training/Sampling	The state of the s			0 00	CU.	N 12 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
Remediation/Disposal				0.00	\$0 \$0	n/a	\$0 \$0
		ed cost includes th		0.00 1.41	\$0 \$35 o repair the hole or	n/a n/a n/a n the roof of the 0.0 violation to the com	\$0 \$35 43 MG GST,
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs	The delay calculated	ed cost includes the from the date of the	ne estimated am ne investigation	0.00 1.41 nount to initially	\$0 \$35 o repair the hole or documenting the	n/a n/a the roof of the 0.0 violation to the com	\$0 \$35 43 MG GST, pliance date.
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs  Avoided Costs	The delay calculated	ed cost includes the from the date of the	ne estimated am ne investigation	0.00 1.41 nount to initially	\$0 \$35 prepair the hole or documenting the ltem (except for	n/a n/a n the roof of the 0.0 violation to the com	\$0 \$35 43 MG GST, pllance date.
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal	The delay calculated	ed cost includes the from the date of the	ne estimated am ne investigation	0.00 1.41 count to initially tering 0.00	\$0 \$35 b repair the hole or documenting the ltem (except for	n/a n/a n the roof of the 0.0 violation to the com	\$0 \$35 43 MG GST, pliance date. d costs) \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel	The delay calculated	ed cost includes the from the date of the	ne estimated am ne investigation	0.00 1.41 count to initially tering 0.00 0.00	\$0 \$35 orepair the hole or documenting the ltem (except for \$0 \$0	n/a n/a the roof of the 0.0 violation to the com r one-time avoided \$0 \$0	\$0 \$35 43 MG GST, pliance date. d costs) \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal	The delay calculated	ed cost includes the from the date of the	ne estimated am ne investigation	0.00 1.41 count to initially tering 0.00	\$0 \$35 b repair the hole or documenting the ltem (except for	n/a n/a n the roof of the 0.0 violation to the com	\$0 \$35 43 MG GST, pliance date. d costs) \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	The delay calculated	ed cost includes the from the date of the	ne estimated am ne investigation	0.00 1.41 count to initially tering 0.00 0.00 0.00	\$0 \$35 Prepair the hole or documenting the Item (except for \$0 \$0	n/a n/a n the roof of the 0.0 violation to the com r one-time avoide \$0 \$0 \$0	\$0 \$35 43 MG GST, pliance date. d costs) \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Personnel Inspection/Reporting/Sampling Supplies/Equipment	The delay calculated	ed cost includes the from the date of the	ne estimated am ne investigation	0.00 1.41 nount to initially 1.00 0.00 0.00 0.00	\$0 \$35 prepair the hole or documenting the ltem (except for \$0 \$0 \$0 \$0	n/a n/a n/a n the roof of the 0.0 violation to the com r one-time avoide \$0 \$0 \$0 \$0 \$0	\$0 \$35 43 MG GST, pllance date. d costs) \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	The delay calculated	ed cost includes the from the date of the	ne estimated am ne investigation	0.00 1.41 nount to initially 0.00 0.00 0.00 0.00	\$0 \$35 b repair the hole or documenting the litem (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n the roof of the 0.0 violation to the com r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$35 43 MG GST, pliance date. d costs) \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	The delay calculated	ed cost includes the from the date of the	ne estimated am ne investigation	0.00 1.41 nount to initially 0.00 0.00 0.00 0.00 0.00	\$0 \$35 b repair the hole or documenting the litem (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n the roof of the 0.0 violation to the com r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$35 43 MG GST, pllance date. d costs) \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	The delay calculated	ed cost includes the from the date of the	ne estimated am ne investigation	0.00 1.41 nount to initially 0.00 0.00 0.00 0.00 0.00	\$0 \$35 b repair the hole or documenting the litem (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n the roof of the 0.0 violation to the com r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$35 43 MG GST, pllance date. d costs) \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	The delay calculated	ed cost includes the from the date of the	ne estimated am ne investigation	0.00 1.41 nount to initially 0.00 0.00 0.00 0.00 0.00	\$0 \$35 b repair the hole or documenting the litem (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n the roof of the 0.0 violation to the com r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$35 43 MG GST, pllance date. d costs) \$0 \$0 \$0 \$0 \$0

on 4 (April 201 ptember 1, 20		Docket		ening Date	
				Respondent / Case ID No. !	
	PCW REVISION SE			ference No.	Reg. Ent
			ic Water Supply	Media	
				Coordinator	
			3	ation Number Rule Cite(s)	
	nd Tex. Health & Safety Code § 341.0351	290.39(j)(1)(A) and Tex	Tex. Admin. Code		
	naking any significant change or addition button system results in an increase or age, or pressure maintenance capacity. If the Executive Director prior to replacing minute ("gpm") and the 15-horsepower at 4 to 95 gpm and a 7.5-horsepower motor.	n the existing distribution on, treatment, storage, o indent did not notify the l at 150 gallons per minut	where the change ecrease in product ecifically, the Respone well pump rated	on Description	VI
\$5,0	Base Penalty				
		alth Matrix	and Human He	ntal, Proper	> Enviro
		m · · · · · · · · · · · · · · · · · · ·	Hai	The state of the s	
		rate Minor	Major Mode	Release	OR
	Percent 0.0%			Potential	
				dia Matrix	
		rate Minor	Major Mode	ratic Matrix Falsification	> Progra
	Percent 15.0%		X	Total Section 18	
	were not met	e rule requirements were	100% of th		M
	WELE HOT HIEL	e rule requirements were	10076 01 0		N
				The state of the s	
					•
	Adjustment \$4,250				
\$7	Adjustment \$4,250				
\$7	Adjustment \$4,250				
\$7	Adjustment \$4,250			ts	<i>l</i> iolation
\$7	Adjustment \$4,250  112 Number of violation days	11	ion Events 1	its Number of V	
\$7					
\$7			dally		
\$7					
\$7 \$7		11	daily weekly monthly uarterly		
	112 Number of violation days	11	dally weekly monthly uarterly miannual		
	112 Number of violation days	11	dally weekly monthly uarterly miannual annual		
	112 Number of violation days	11	dally weekly monthly uarterly miannual		
	112 Number of violation days  Violation Base Penalty		daily weekly monthly uarterly miannual annual igle event		
	112 Number of violation days  Violation Base Penalty	single event is recommen	daily weekly monthly uarterly miannual annual igle event		
\$7	Number of violation days  Violation Base Penalty  nmended.	single event is recommen	daily weekly monthly uarterly milannual annual ggle event  One	Number of V	lolation
	Number of violation days  Violation Base Penalty  nmended.  Reduction		dally weekly monthly uarterly mlannual annual gle event  One		lolation
\$7	Number of violation days  Violation Base Penalty  nmended.  Reduction	single event is recommen	dally weekly monthly uarterly mlannual annual igle event  One	Number of V	lolation
\$7	Number of violation days  Violation Base Penalty  nmended.  Reduction	Single event is recommen  D.0% NOE/NOV to EDPRP/S	dally weekly monthly uarterly mlannual annual igle event  One  Before NO traordinary  Ordinary	Number of V	lolation
\$7	Number of violation days  Violation Base Penalty  nmended.  Reduction	Single event is recommen  D.0% NOE/NOV to EDPRP/S	dally weekly monthly uarterly mlannual annual igle event  One	Number of V	<b>lolation</b>
\$7	Number of violation days  Violation Base Penalty  numended.  Reduction  PRP/Settlement Offer  meet the good faith criteria for	single event is recommental si	daily weekly monthly uarterly milannual annual igle event  One  Before No traordinary Ordinary N/A	Number of V	<b>lolation</b>
\$7	Number of violation days  Violation Base Penalty  numended.  Reduction  PRP/Settlement Offer  meet the good faith criteria for	5.0% NOE/NOV to EDPRP/So	dally weekly monthly uarterly mlannual annual igle event  One  Before NO traordinary Ordinary N/A The R	Number of V	<b>lolation</b>
\$7	Violation Base Penalty  Number of violation days  Violation Base Penalty  PRP/Settlement Offer  Present the good faith criteria for violation.	5.0% NOE/NOV to EDPRP/So	dally weekly monthly uarterly mlannual annual gle event  One  Craordinary Ordinary N/A Notes  The R	Number of V	iolation
\$7 \$7	Number of violation days  Violation Base Penalty  numended.  Reduction  PRRP/Settlement Offer  meet the good faith criteria for violation.  Violation Subtotal  Statutory Limit Test	Single event is recommental to the second se	dally weekly monthly uarterly mlannual annual igle event  One  traordinary Ordinary N/A Notes The R	orts to Comp	iolation
\$7	Violation Base Penalty  PREP/Settlement Offer  meet the good faith criteria for violation.  Violation Subtotal	single event is recommental si	dally weekly monthly uarterly milannual annual igle event  One  traordinary Ordinary N/A Notes  The Ro	orts to Comp	iolation

Violation No.	Public Water S	Supply				Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	EB Amount
Item Description							
Delayed Costs				0.00	+0	T 60	1 40
Equipment Buildings				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)	\$500	4-Oct-2018	31-Jul-2021	2.82	\$5	\$94	\$99
Engineering/Construction	Bynder of white	7 7/14 20/10	THE REAL PROPERTY AND ADDRESS OF THE PERSON ADDRESS OF THE PERSON AND ADDRESS OF THE PERSON ADDRESS OF THE PERSON ADDRESS OF THE PERSON ADDRESS OF T	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
	THE RESIDENCE OF THE PARTY OF T			0.00	\$0	n/a	\$0
Remediation/Disposal	The second of the second of the second						
Permit Costs				0.00	\$0	n/a	\$0
	plans, specifi Facility's prod	ications, and engir uction, including b	neering reports out not limited to	ount to and obt	submit accurate, ain approval for the placed well pump	n/a n/a up-to-date, and de ne significant chang and motor at Well the estimated date	tailed as-built les made to the No. 3, calculated
Permit Costs Other (as needed)	plans, specif Facility's prod from the dat	ications, and engir uction, including b te of the investigat	neering reports out not limited to tion intially doc	ount to and obt the re umenting	submit accurate, cain approval for the placed well pump g the violation to	up-to-date, and de ne significant chang and motor at Well	tailed as-built les made to the No. 3, calculated of compliance.
Permit Costs Other (as needed) Notes for DELAYED costs	plans, specif Facility's prod from the dat	ications, and engir uction, including b te of the investigat	neering reports out not limited to tion intially doc	ount to and obto the re umenting tering	submit accurate, cain approval for the placed well pump g the violation to	n/a up-to-date, and de ne significant chang and motor at Well the estimated date r one-time avoide \$0	tailed as-built les made to the No. 3, calculated of compliance.
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel	plans, specif Facility's prod from the dat	ications, and engir uction, including b te of the investigat	neering reports out not limited to tion intially doc	ount to and obto the re- umenting 0.00 0.00	submit accurate, tain approval for the placed well pump age the violation to litem (except for \$0 \$0 \$0	n/a up-to-date, and dene significant change and motor at Well the estimated date r one-time avoide \$0 \$0	talled as-built les made to the No. 3, calculated of compliance.  ed costs) \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	plans, specif Facility's prod from the dat	ications, and engir uction, including b te of the investigat	neering reports out not limited to tion intially doc	ount to and obt the re- umenting 0.00 0.00 0.00	submit accurate, an approval for the placed well pump g the violation to litem (except for \$0 \$0 \$0 \$0	n/a up-to-date, and deene significant change and motor at Well the estimated date  r one-time avoide \$0 \$0 \$0	\$0 talled as-built les made to the No. 3, calculated of compliance.  ed costs) \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment	plans, specif Facility's prod from the dat	ications, and engir uction, including b te of the investigat	neering reports out not limited to tion intially doc	ount to and obto the reumenting tering 0.00 0.00 0.00 0.00	submit accurate, an approval for the placed well pump g the violation to litem (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a up-to-date, and deene significant change and motor at Well the estimated date  r one-time avoide \$0 \$0 \$0 \$0	\$0 talled as-built les made to the No. 3, calculated of compliance.  ed costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	plans, specif Facility's prod from the dat	ications, and engir uction, including b te of the investigat	neering reports out not limited to tion intially doc	ount to and obto the re- umenting 0.00 0.00 0.00 0.00	submit accurate, alin approval for the placed well pump in the violation to the submit accurate well pump in the violation to the submit accurate well pump in the violation to the submit accurate well accurate well accurate well accurate well accurate with the submit accurate well	n/a up-to-date, and deene significant change and motor at Well the estimated date r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0	talled as-built les made to the No. 3, calculated of compliance.  s0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	plans, specif Facility's prod from the dat	ications, and engir uction, including b te of the investigat	neering reports out not limited to tion intially doc	ount to and obto the re- umenting 0.00 0.00 0.00 0.00 0.00	submit accurate, can approval for the placed well pumping the violation to state the submit accurate to the placed well pumping the violation to submit accurate to submit accurate the placed well pumping the violation to submit accurate the placed with a submit accurate, and submit accurate the submit accurate th	n/a up-to-date, and de ne significant chang and motor at Well the estimated date r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0	tailed as-built les made to the No. 3, calculated of compliance.  ed costs)  \$0 \$0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	plans, specif Facility's prod from the dat	ications, and engir uction, including b te of the investigat	neering reports out not limited to tion intially doc	ount to and obto the re- umenting 0.00 0.00 0.00 0.00	submit accurate, cain approval for the placed well pump to the violation to the submit accurate well pump to the violation to the submit accurate well pump to the violation to the submit accurate well accurate well accurate well accurate well accurate with the submit accurate well	n/a up-to-date, and deene significant change and motor at Well the estimated date r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0	talled as-built les made to the No. 3, calculated of compliance.  s0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	plans, specif Facility's prod from the dat	ications, and engir uction, including b te of the investigat	neering reports out not limited to tion intially doc	ount to and obto the re- umenting 0.00 0.00 0.00 0.00 0.00	submit accurate, can approval for the placed well pumping the violation to state the submit accurate to the placed well pumping the violation to submit accurate to submit accurate the placed well pumping the violation to submit accurate the placed with a submit accurate, and submit accurate the submit accurate th	n/a up-to-date, and de ne significant chang and motor at Well the estimated date r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0	tailed as-built les made to the No. 3, calculated of compliance.  ed costs)  \$0 \$0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	plans, specif Facility's prod from the dat	ications, and engir uction, including b te of the investigat	neering reports out not limited to tion intially doc	ount to and obto the re- umenting 0.00 0.00 0.00 0.00 0.00	submit accurate, can approval for the placed well pumping the violation to state the submit accurate to the placed well pumping the violation to submit accurate to submit accurate the placed well pumping the violation to submit accurate the placed with a submit accurate, and submit accurate the submit accurate th	n/a up-to-date, and de ne significant chang and motor at Well the estimated date r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0	tailed as-built les made to the No. 3, calculated of compliance.  ed costs)  \$0 \$0 \$0 \$0 \$0 \$0 \$0

		ening Date			Docket	No. 2020-0665-PWS-E		PCW
			Aqua Utilities,	Inc.				on 4 (April 2014)
Pos		Case ID No.	59325 RN102673894				PCW Revision Se	otember 1, 2019
Reg.	Ent. Re		Public Water S					
	Enf. C	coordinator		арріј				
		ation Number		1			DIN TRAINING THE LANGE OF	
		Rule Cite(s)		30 Tex	Admin. Code §	290.46(m)(4)		
	Violatio	n Description	facilities, di condition and	istribution system free of excessive	m lines, and relate solids. Specifica	storage and pressure maint ted appurtenances in a wate ally, water samples collected e discolored due to elevated lids.	rtight from the	
						Base	Penalty	\$5,000
>> Fn:	vironme	ntal. Propel	rty and Hun	nan Health M	latrix			
		iicai, i iope	cy and nan	Harm				
		Release	MANAGEMENT AND PROPERTY OF THE PARTY OF THE	Moderate	Minor			
OR		Actual Potential			X	Percent 7.0%		
		rotenda				7.0%		
>>Pro	gramma	tic Matrix			protest to the			
		Falsification	Major	Moderate	Minor	Percent 0.0%		
				7/2/3		Percent 0.0%		
		Failure to r	naintain the dis	tribution system	lines free of exc	essive solids could expose p	ersons	
	Matrix Notes			insignificant am		ants which would not excee		
			annipolitico de la Companya de la Co	***************************************			and the second	
						Adjustment	\$4,650	
							Tive III	\$350
Violati	on Even	ts						
		Number of	Violation Events	1	1	12 Number of violation	days	
			dally					
			weekly monthly					
			quarterly			Violation Base	Penalty	\$350
			semiannual					
			annual					
			single event	X				
				One shade a				
				One single ex	vent is recommen	ildeu.		
Good I	Faith Eff	orts to Com		0.0%		and the property of the proper	Reduction	\$0
					IOE/NOV to EDPRP/S	Settlement Offer		
			Extraordinary					
			Ordinary N/A					
			14/2	AND ROBERT AND ADDRESS OF THE PARTY OF THE P	e (Sympole System)			
			Notes	The Responde	nt does not meet this viola	t the good faith criteria for tion.		
						Violation	Subtotal	\$350
Econo	mic Ren	efit (FR) for	this violati	on		Statutory Limit	Test	
				and the state of	670		And the printer	4250
		Estimat	ed EB Amount	The first of flat	\$79	Violation Final Pena	A Contract	\$368
				This viola	tion Final Asse	essed Penalty (adjusted for	or limits)	\$368

	Agentination of progression	conomic	Benefit	Wo	rksheet		
Respondent Case ID No.	59325						
Reg. Ent. Reference No. Media Violation No.	Public Water S					Percent Interest	Years of Depreciation
						5.0	1!
	Item Cost	Date Required	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Eguipment				0.00	\$0	\$0	\$0
Buildings			CALLS THE GA	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		the state of the s		0.00	\$0	n/a	\$0
Permit Costs			BANGERS SERVICE	0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	ution system lines fr	\$0
Notes for DELAYED costs							CC OI CACCOSIVE
Rotes for DELATED COSts		1000	lam existing a spirit	of comp	oliance.		ete de transcription (PS)
Avoided Costs		1000	lam existing a spirit	of comp	ltem (except fo	r one-time avoide	d costs)
Avoided Costs Disposal		1000	lam existing a spirit	of comp	item (except fo	r one-time avoide	d costs)
Avoided Costs Disposal Personnel		1000	lam existing a spirit	of comp tering 0.00 0.00	item (except fo	r one-time avoide \$0 \$0	d costs) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling		1000	lam existing a spirit	of comp tering 0.00 0.00 0.00	item (except fo \$0 \$0 \$0 \$0	r one-time avoide \$0 \$0 \$0	\$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment		1000	lam existing a spirit	of comp 0.00 0.00 0.00 0.00	Item (except fo \$0 \$0 \$0 \$0	r one-time avoide \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance		1000	lam existing a spirit	of comp 0.00 0.00 0.00 0.00 0.00		r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment		1000	lam existing a spirit	of comp 0.00 0.00 0.00 0.00	Item (except fo \$0 \$0 \$0 \$0	r one-time avoide \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Avoided Costs  Disposal  Personnel  Inspection/Reporting/Sampling  Supplies/Equipment  Financial Assurance  ONE-TIME avoided costs		1000	lam existing a spirit	0.00 0.00 0.00 0.00 0.00 0.00 0.00		r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs  Disposal  Personnel  Inspection/Reporting/Sampling  Supplies/Equipment  Financial Assurance  ONE-TIME avoided costs		1000	lam existing a spirit	0.00 0.00 0.00 0.00 0.00 0.00 0.00		r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0

	Scre	ening Date	7-May-2020		Docket No. 2020-0665-PWS-E		PCW
			Aqua Utilities, Inc.				on 4 (April 2014)
Pos I		Case ID No. ference No.				PCW Revision Se	ptember 1, 2019
Reg. I	ent. Re	CONTRACT AND DESCRIPTION OF THE PARTY OF THE	Public Water Supply				
	Enf. C	Coordinator					
	Viol	ation Number	5			4 - 11	
		Rule Cite(s)		30 Tex. Admin	n. Code § 290.44(h)(4)		
	Violatio	on Description	and on an annual b operating within spec form noted that the pressure zone device (" that the RPZ had reduce	pasis by a recognifications. Specifications. Specifications in the relief valve was "RPZ") Installed ced backflow properties.	n assemblies ("BPAs") tested upon insignized BPA tester and certify that the cifically, a BPA Test and Maintenance is not opening during a test on the relation to the contract of the contrac	y are Report duced Indicating	
					Base	Penalty	\$5,000
>> Fnv	ironme	ntal Proper	ty and Human He	alth Matrix			
		iitai, Fropei	Hari				
OR		Release	Major Moder	ate Minor			
UK		Actual Potential			Percent 15.0%		
		roterida			15.070		
>>Prog	ramma	tic Matrix					
		Falsification	Major Moder	rate Minor	Percent 0.0%		
					Percent 0.0%		
	Notes	being exposed	I to a significant amount	human he	ats which would not exceed levels provalth.  Adjustment	\$4,250	
							\$750
Violatio	n Even	ts					
		Number of	dally weekly		112 Number of violation of	days	
			monthly quarterly x semiannual annual single event		Violation Base	Penalty	\$1,500
		Two quarter		ded, calculated May 7, 2020 s	from the January 16, 2020 investigate creening date.	tion date	
Good F	aith Eff	orts to Com	ply	0.0%		Reduction	\$0
			Before NO		to EDPRP/Settlement Offer		
			Extraordinary	E La com	COMMUNICATION OF THE PARTY OF T		
			Ordinary N/A x				
				spondent does	not meet the good faith criteria for this violation.		
					Violation	Subtotal	\$1,500
Easter	sia B-c	ofit (ED) for	thic violeties				
Econon	iic ben	EIII (EB) 101	this violation		Statutory Limit	and the same of th	
		Estimat	ed EB Amount	\$	315 Violation Final Pena	alty Total	\$1,575
			Th	is violation Fi	inal Assessed Penalty (adjusted fo	or limits)	\$1,575

	Aqua Utilities,	Inc.		40.00			
Case ID No.		THE STATE OF					
	Public Water S					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	EB Amount
Item Description							
Delayed Costs	A CONTRACTOR OF THE PARTY OF TH		<b>学生的现在分</b>		STATE VALUE OF THE PARTY.		
Equipment	\$2,000	4-Oct-2018	2-Jan-2021	2.25	\$15	\$300	\$315
Buildings		<b>万世 克莱·西班</b>		0.00	\$0	\$0	\$0
Other (as needed)	The section of the section	C. Lister and C. S.		0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land	The Particular			0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0 \$0	n/a	\$0 \$0
Remediation/Disposal Permit Costs				0.00	\$0	n/a n/a	\$0
Permit Costs		A STATE OF THE PARTY OF THE PAR			30		
Other (as needed)				unt to r	epair or replace th	n/a e RPZ Installed at th	\$0 ne wastewater
Other (as needed)  Notes for DELAYED costs	treatmen in	t plant and certify vestigation initially	that it is opera documenting t	unt to r ting wit the viola	epair or replace the hin specifications, ation to the estima	n/a le RPZ installed at the calculated from the ted date of complian	so ne wastewater date of the nce.
	treatmen in	t plant and certify vestigation initially	that it is opera documenting t	unt to reting with the violantering	epair or replace th hin specifications, ation to the estima Item (except for	n/a e RPZ installed at the calculated from the	so ne wastewater date of the nce. d costs)
Notes for DELAYED costs	treatmen in	t plant and certify vestigation initially	that it is opera documenting t	unt to reting with the violantering	epair or replace the hin specifications, ation to the estima litem (except for \$0	n/a e RPZ installed at the calculated from the ted date of compliant one-time avoided \$0	s0 ne wastewater date of the nce. d costs) \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel	treatmen in	t plant and certify vestigation initially	that it is opera documenting t	unt to reting with the violation of the	epair or replace the hin specifications, ation to the estima item (except for \$0 \$0 \$0	n/a  e RPZ Installed at the calculated from the ted date of compliant one-time avoided \$0 \$0	s0 ne wastewater date of the nce. d costs) \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel espection/Reporting/Sampling	treatmen in	t plant and certify vestigation initially	that it is opera documenting t	unt to reting with the violantering	epair or replace the hin specifications, ation to the estimal item (except for \$0 \$0 \$0 \$0	n/a  le RPZ Installed at the calculated from the ted date of compliant one-time avoide \$0  \$0  \$0  \$0	some wastewater date of the nce.  d costs) \$0 \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel aspection/Reporting/Sampling Supplies/Equipment	treatmen in	t plant and certify vestigation initially	that it is opera documenting t	unt to reting with the violation of the	epair or replace the hin specifications, ation to the estimal item (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a  e RPZ Installed at the calculated from the ted date of compliant one-time avoide \$0  \$0  \$0  \$0  \$0	some wastewater date of the nice.  d costs)  \$0  \$0  \$0  \$0  \$0
Avoided Costs  Avoided Costs  Disposal  Personnel  nspection/Reporting/Sampling Supplies/Equipment Financial Assurance	treatmen in	t plant and certify vestigation initially	that it is opera documenting t	unt to reting with the violation of the	epair or replace the hin specifications, ation to the estimal item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a  e RPZ Installed at the calculated from the ted date of compliant one-time avoided \$0  \$0  \$0  \$0  \$0  \$0  \$0	some wastewater date of the nice.  d costs) so so so so so so
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	treatmen in	t plant and certify vestigation initially	that it is opera documenting t	0.00 unt to reting with the violating with the viol	epair or replace the hin specifications, ation to the estimation to the estimation (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a  e RPZ Installed at the calculated from the ted date of compliant one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	some wastewater date of the nce.  d costs)  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$
Avoided Costs  Disposal Personnel aspection/Reporting/Sampling Supplies/Equipment Financial Assurance	treatmen in	t plant and certify vestigation initially	that it is opera documenting t	unt to reting with the violation of the	epair or replace the hin specifications, ation to the estimal item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a  e RPZ Installed at the calculated from the ted date of compliant one-time avoided \$0  \$0  \$0  \$0  \$0  \$0  \$0	some wastewater date of the nice.  d costs) so so so so so so
Avoided Costs  Avoided Costs  Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	treatmen in	t plant and certify vestigation initially	that it is opera documenting t	0.00 unt to reting with the violating with the viol	epair or replace the hin specifications, ation to the estimation to the estimation (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a  e RPZ Installed at the calculated from the ted date of compliant one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 ne wastewater date of the nce.  d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

The TCEO is committed to accessibility.

To request a more accessible version of this report, please contact the TCEO 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, CN602787509, Aqua Utilities, Inc.

Classification: SATISFACTORY

**Rating: 27.51** 

or Owner/Operator: **Regulated Entity:** 

RN102673894, BRENTWOOD

Classification: NOT APPLICABLE

Rating: N/A

**Complexity Points:** 

N/A

Repeat Violator: N/A

**CH Group:** 

14 - Other

SUBDIVISION

Location:

303 Cambridge Street near Victoria, Victoria County, Texas

**TCEO 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

Minor

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

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

**B.** Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

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:

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.pnq image002.pnq image003.pnq

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 conplaints.

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		
		?	
1046	NUNO MONTI	20	
U. O. O.	QUIN O. MONTE ing Water Comp	LS bliance Coordinator	
	Texas Inc.		
1106	Clayton Lane, Suit	te 400W, Austin, Te	xas 78723
O: 512	2.990.4400 ext. 56	5109 M:512.529.975	50

From: Smith, Gregory I < GSmith@aquaamerica.com>

Sent: Tuesday, May 12, 2020 9:24 AM

**To:** Montes, Joaquin O < <u>JOMontes@aquaamerica.com</u>> **Cc:** Garcia, Chris A < <u>CAGarcia@aquaamerica.com</u>>

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 < <u>GSmith@aquaamerica.com</u>> **Cc:** Garcia, Chris A < <u>CAGarcia@aquaamerica.com</u>>

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		
		?		
JOAQUI	NO. MON	TES		
Drinking	Water Con	npliance	Coordinato	
Aqua Tex				
1106 Clay	ton Lane, S	uite 400\	W, Austin, Te	xas 78723
O: 512.99	0.4400 ext.	56109 N	1:512.529.97	50

#### 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 I PWS ID#: TX2350005					or :							
PWS MAILING ADDRESS: 1106 Clayto			<del></del>	nite 400 W								
PWS CONTACT PERSON: Joe Zamora					unic 400 W							
ADDRESS OF SERVICE: Ybarra												
The ba	ckflow pro	event	ion assembl	y detailed be	low has	s been tested and	d maintaine	d as re	quired by comm	nissio	n regi	ulations
and is	certified to	be o		hin acceptal								
		TYPE OF BACKFLOW PREVENTION ASSEMBLY (BPA):										
X		educed Pressure Principle (RPBA)    Reduced Pressure Principle-Detector (RPBA-D)    Type II										
		Check Valve (DCVA)  Double Check-Detector (DCVA-D)  Type II										
	Pressure	ure Vacuum Breaker (PVB)										
Manuf	facturer:	M	ain: Zurn Wi	kens Byp	ass:		Size: 3/4	4	Main: X		Bypass	: · [
Model	Number:	M	ain: 975XL	Ву	ass:	BPA Location: Entrance to P						
Serial	Number:	M	ain:  470294	By	pass;		BPA Ser	ves:	WWTP			
	_											
Reason	n for test:	Ne	w 🔲 E	xisting 🛛	F	Replacement [	Old Mod	lel/Seri	al#			
Is the	assembly i	instal	led in accor	lance with n	nanufac	turer recommen	dations and	l/or loc	al codes?	×	Yes	□No
Is the	assembly i	instal	led on a nor	-potable wa	ter supp	oly (auxiliary)?					Yes	⊠ No
TEST	RESILT	Red	uced Pressu	e Principle	A ssemb	ly (RPRA)	Type	П				
1251	EDOUD!		1000	o i imoipio i	10001110	1) (Id 5/1)	Assemi		PVB & SVB			
DA	SS 🗵			OXIA		1	1 isociatory					
		<u> </u>	U	CVA	Relief Valve		Bypass Check		Air Inlet		Check Valve	
FA	FAIL 1st Check 2nd Chec		2 <sup>nd</sup> Checl	C***		Renei vaive Bypass eneek						
Initial		Held	at _8.6	Held at	psid	Opened at	Held at	psid	Opened at	psid Held at		at '
	5/4/2020	psid Closed Tigh		nt 🛛	_3.6 psid			Did not open 🔲		psid		
Time: 1349		Closed Tight  Leaked			Did not	Leaked 🗆		Did it fully open		Leaked 🗀		
		Leaked 🗆		1		open 🗀			(Yes □ /No □)			
Repairs	and	Mai	n:								U	
Materia			•									
Used**		Вур	ass:									
Test A	<u>fter</u>	Held	at psic	Held at	psid	Opened at	Held at	psid	Opened at	psid	Held	at
Repair		Clos	ed Tight	Closed Tig	ght 🔲	psid	Closed				psid	
Date:		İ		İ			Tight 🔲				l	
Time:				<u> </u>							<u> </u>	
Diec				numeric reac	ling req	uired for DCVA						
Differential pressure gauge used: Potable: ☑ Non-Potable: □												
Make/Model:   Mid-West 845   SN: 01182504   Date tested for accuracy:   01/10/2020												
Remarks:												
Company Name: Michael Gonzales Licensed Tester Name Michael Gonzales												
				(Print/Type):				#		1		
Company Address: 435 Schell Rd. Victoria, TX 77904				1	Licensed Tester Name (Signature):							
Comm	oner DL	ш.				DDATE !	<u>"                                    </u>	DDC	12672	1 6	WO C	<u> </u>
Company Phone #:   832-439-0427		t <i>L I</i>	- 1	<b>BPAT License</b>	#	Bru	012572		1			

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

License Expiration Date: 10/01/2021

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

<sup>\*\*</sup> LISE ONLY MANUFACTURER'S REPLACEMENT PARTS

Cc: Smith, Gregory I; Garcia, Chris A; Foltz, Scot W 08132020 Brentwood TX2350005 PAO DN2020-0665-pws-e ECN59325 08102020 Subject: 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 TCEO Enforcement - Aqua Utilities Inc (Brentwood Subdivision).msq Importance: 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

From:

To:

Montes, Joaquin O

aaron.vincent@tceq.texas.gov

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 <a href="http://www.tceq.state.tx.us">http://www.tceq.state.tx.us</a> 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

Mirand

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** 

Investigation #

**303 CAMBRIDGE ST** 

1623363 Investigation Date: 01/16/2020

**VICTORIA, VICTORIA COUNTY, TX 77905** 

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,

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 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



APR 2 2 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 <a href="http://www.tceq.state.tx.us">http://www.tceq.state.tx.us</a> 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, Agua Utilities, Via email

### **Summary of Investigation Findings**

**BRENTWOOD SUBDIVISION** 

Investigation #

303 CAMBRIDGE ST

1623363 Investigation Date: 01/16/2020

**VICTORIA, VICTORIA COUNTY, TX 77905** 

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,

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

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: <u>image001.png</u> <u>image002.png</u>

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	2
	2
JOAQUIN O. MONT	ES
<b>Drinking Water Comp</b>	pliance Coordinator
Aqua Texas Inc.	
1106 Clayton Lane, Sui	ite 400W, Austin, Texas 78723
O: 512.990.4400 ext. 50	6109 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

Office Phone: (512) 239-085 Cell Phone: (512) 850-9479

### TCEO Regulatory Guidance: Coronavirus Disease 2019 (COVID-19)

From: Aaron Vincent

Sent: Tuesday, August 18, 2020 9:00 AM

To: Montes, Joaquin O < <u>JOMontes@aquaamerica.com</u>>

Cc: Smith, Gregory I <GSmith@aquaamerica.com>; Garcia, Chris A <CAGarcia@aquaamerica.com>;

Foltz, Scot W <<u>SWFoltz@aguaamerica.com</u>>

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 Cell Phone: (512) 850-9479

#### TCEO Regulatory Guidance: Coronavirus Disease 2019 (COVID-19)

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

Sent: Thursday, August 13, 2020 6:20 PM

To: Aaron Vincent <Aaron. Vincent@tceg.texas.gov>

Cc: Smith, Gregory I < GSmith@aquaamerica.com >; Garcia, Chris A < CAGarcia@aquaamerica.com >;

Foltz, Scot W <<u>SWFoltz@aguaamerica.com</u>>

**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.

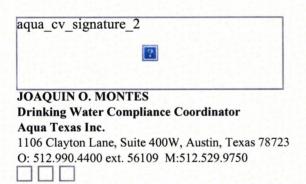
aqua_c	v_signatui	re_2		
		?		
JOAOU	IN O. MO	NTES		
_			Coordinato	r
Aqua T	exas Inc.			
1106 Cl	ayton Lane,	Suite 400V	W, Austin, Te	exas 78723
O: 512.9		t. 56109 M	1:512.529.97	50

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

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

**To:** Smith, Gregory I <<u>GSmith@aquaamerica.com</u>>; Garcia, Chris A <<u>CAGarcia@aquaamerica.com</u>>; Foltz, Scot W <<u>SWFoltz@aquaamerica.com</u>>; Schroeter, Laura B <<u>LBSchroeter@aquaamerica.com</u>>

**Subject:** Brentwood TX2350005\_PAO\_DN2020-0665-pws-e ECN59325\_08102020



HcCaffrey, Ashler M Smith, Gregory I. Gratel, Chris. A. Montes, Joaquin C: Trey Savver, Betty Orale PO #801317 Tuesday, August 18, 2020 1-43 05 PM Image020 Igo Image020 Igo Image020 Igo Image020 Igo Image020 Igo Image020 Igo

					POTHOLE WATER LINE CROSSING	
-	801317	8/18/2020	GREG	BRENTWOOD	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@aquaamerica com>
Sent: Tuesday, August 18, 2020 10 44 AM
To McSaffrey, Ashley M <AMMcCaffrey@aquaamerica com>
Cc: Garcia, Chris A <CAGarcia@aquaamerica com>, Montes, Joaquin O <JOMontes@aquaamerica 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_	_signatı	ire_2	-11		M	
			?			

**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** 

#### TCEO Regulatory Guidance: Coronavirus Disease 2019 (COVID-19)

From: Aaron Vincent

**Sent:** Tuesday, August 18, 2020 9:00 AM

To: Montes, Joaquin O < JOMontes@aguaamerica.com>

Cc: Smith, Gregory I < GSmith@aquaamerica.com >; Garcia, Chris A < CAGarcia@aquaamerica.com >;

Foltz, Scot W <<u>SWFoltz@aguaamerica.com</u>>

**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** Cell Phone: **(512) 850-9479** 

#### TCEO Regulatory Guidance: Coronavirus Disease 2019 (COVID-19)

From: Montes, Joaquin O < <u>JOMontes@aquaamerica.com</u>>

Sent: Thursday, August 13, 2020 6:20 PM

To: Aaron Vincent < Aaron. Vincent@tceq.texas.gov>

**Cc:** Smith, Gregory I < <u>GSmith@aquaamerica.com</u>>; Garcia, Chris A < <u>CAGarcia@aquaamerica.com</u>>;

Foltz, Scot W <<u>SWFoltz@aguaamerica.com</u>>

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.

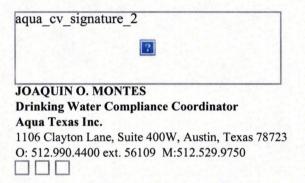
aqua_cv_signature_2
2
JOAQUIN O. MONTES
Drinking Water Compliance Coordinator
Aqua Texas Inc.
1106 Clayton Lane, Suite 400W, Austin, Texas 78723
O: 512.990.4400 ext. 56109 M:512.529.9750

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

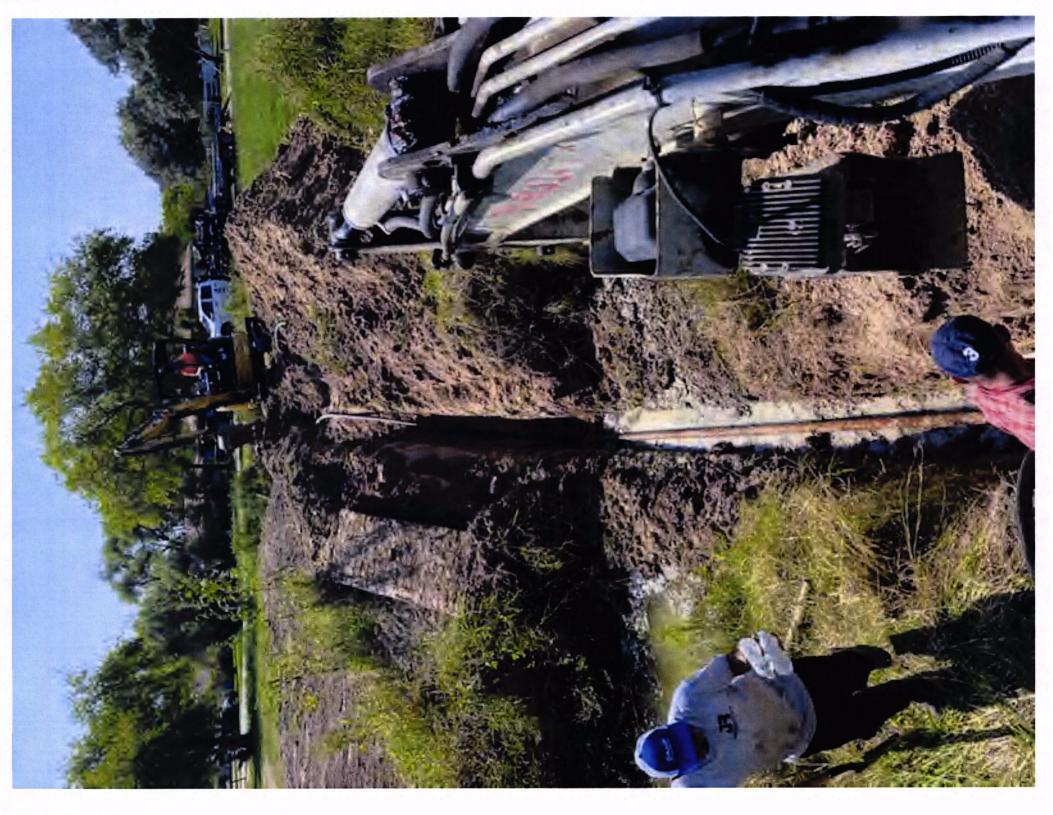
**Sent:** Tuesday, August 11, 2020 6:08 PM

**To:** Smith, Gregory I < <u>GSmith@aquaamerica.com</u>>; Garcia, Chris A < <u>CAGarcia@aquaamerica.com</u>>; Foltz, Scot W < <u>SWFoltz@aquaamerica.com</u>>; Schroeter, Laura B < <u>LBSchroeter@aquaamerica.com</u>>

**Subject:** Brentwood TX2350005\_PAO\_DN2020-0665-pws-e ECN59325\_08102020







CDC Unlimited, LLC 11104 W. Airport Blvd., #143 Stafford, TX 77477



# Invoice

Date	Invoice #
10/22/2020	20163

Bill To	Service Address
Aqua Texas 2211 Louetta Spring, TX 77388	Brentwood Subd Victoria. TX

		P.O. No.	Terms	Service	e Date	Project	
			Net 30	10/13/	/2020	64672	
Qty	De	scription		Rate	NOM	Amount	
1	Install steel casing over 2" waterline in Victoria as per quote	ditch in the Brentwood S	Subdivision in	5.875.00	LS	5,875.00	
	V#37381 PO# 60 31 AU: 7042 Activity: 31704 O O	Account: 105030  Amt: 9  Date:	5,875.00				

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



#### 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
1	5,875.0000	EACH	PURCHASE ORDER CURRENCY: US DOLLAR CONFIRMING ORDER DO NOT SEND VENDOR COPY  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: ORDER TOTAL:		\$5,875.00 \$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 herof 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.

PAGE: 1 OF 2

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 <a href="http://www.tceq.texas.gov/legal/sep/">http://www.tceq.texas.gov/legal/sep/</a> 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 <a href="http://www.tceq.texas.gov">http://www.tceq.texas.gov</a> 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 <u>Aaron.Vincent@tceq.texas.gov</u>.

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, <u>JOMontes@AquaAmerica.com</u>

Mr. Scot W. Foltz, Environmental Compliance Manager, Aqua Texas, Inc., 1106 Clayton Lane, Suite 400W, Austin, Texas 78723, <a href="mailto:SWFoltz@AquaAmerica.com">SWFoltz@AquaAmerica.com</a>

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
AQUA UTILITIES, INC.	§	
RN102673894	§	ENVIRONMENTAL QUALITY

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

On	, the Texas Commission on Environmental Quality ("the
Commission" or "TCEQ") consi	dered this agreement of the parties, resolving an enforcement
action regarding Aqua Utilities,	, Inc. (the "Respondent") under the authority of TEX. HEALTH &
	cutive 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 asbuilt 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.

- This Order may be executed in separate and multiple counterparts, which together shall 9. 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
the attached Order, and I do agree to the terr	d the attached Order. I am authorized to agree to ms and conditions specified therein. I further yment for the penalty amount, is materially relying
I also understand that failure to comply with and/or failure to timely pay the penalty amo	the Ordering Provisions, if any, in this Order unt, may result in:
<ul> <li>additional penalties, and/or attorney for</li> <li>Increased penalties in any future enfor</li> </ul>	ions submitted; neral's Office for contempt, injunctive relief, ees, or to a collection agency; cement actions; eral's Office of any future enforcement actions; and
In addition, any falsification of any complian	nce documents may result in criminal prosecution.
Signature	Date
Name (Printed or typed) Authorized Representative of Aqua Utilities, Inc.	Title
$\Box$ If mailing address has changed, please	check this box and provide the new address below:

	Policy R	Perision 4 (April 2014		ulation	n Workshee	t (PC	The state of the s	ptember 1, 2019
DATES	Assigned PCW	27-Apr-2020 20-May-2020	Screening 7-M	ay-2020	EPA Due			
Reg	Respondent . Ent. Ref. No.		nc.		N-io-/Ni-o-		Moder	
raciiic	y/Site Region	14-Corpus Chris	su .		Major/Minor	Source	Мајог	
Enf Medi	ia Program(s) Multi-Media	59325 2020-0665-PWS Public Water Su	pply	imum	Government/No Enf. Cool	er Type n-Profit dinator	Findings	2
	min remaily \$				tion Section			
TOTAL	BASE PENA	LTY (Sum of	f violation base				Subtotal 1	\$9,350
		story	g the Total Base Penalty	5.0%	by the Indicated percent Adjustment me/similar violation	Subto	tals 2, 3, & 7	\$467
	Culpability Notes	No The R	espondent does not	0.0% meet the	Enhancement culpability criteria.		Subtotal 4	\$0
	Good Faith Eff	ort to Comply	Total Adjustments				Subtotal 5	-\$187
	Economic Ben	efit Total EB Amounts Cost of Compliance			Enhancement* i at the Total EB \$ Amoun	nt	Subtotal 6	\$0
SUM O	F SUBTOTA	LS 1-7				F	inal Subtotal	\$9,630
OTHER Reduces of	R FACTORS A r enhances the Fina Notes	AS JUSTICE I Subtotal by the ind	MAY REQUIRE icated percentage.		0.0%		Adjustment	\$0
						inal Per	alty Amount	\$9,630
CTATU	TORY LIMIT	ADJUSTME	NT				A Down to	±0 520

No deferral is recommended for Findings Orders.

0.0%

Reduction

Adjustment

\$0

\$9,630

**DEFERRAL**Reduces the Final Assessed Penalty by the Indicated percentage.

Notes

**PAYABLE PENALTY** 

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

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

**Compliance History Worksheet** 

Component	ory Site Enhancement (Subtotal 2) Number of	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as thos the current enforcement action (number of NOVs meeting criteria)	se in 1	5%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number orders meeting criteria)	er of 0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement or without a denial of liability, or default orders of this state or the fed government, or any final prohibitory emergency orders issued by the commission	deral 0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a do of liability of this state or the federal government (number of judgments consent decrees meeting criteria)		0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudic final court judgments or consent decrees without a denial of liability, of this sor the federal government		0%
Convictions	Any criminal convictions of this state or the federal government (numbe counts)	r of 0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislat 1995 (number of audits for which notices were submitted)	The second secon	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety A Privilege Act, 74th Legislature, 1995 (number of audits for which violations violations violations)		0%
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive direction under a special assistance program	ector No	0%
Other	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or fed government environmental requirements	deral No	0%
	Adjustment	t Percentage (S	Subtotal 2)
peat Violator	(Subtotal 3)		
N//	Adjustment	t Percentage (S	Subtotal 3)
mpliance Hist	cory Person Classification (Subtotal 7)		
Satisfactory	Performer Adjustment	t Percentage (S	Subtotal 7)
mpliance Hist	ory Summary		
Compliance History Notes	Enhancement for one NOV with the same/similar violation	s.	
	Total Compliance History Adjustment Percentag	ge (Subtotals	2, 3, & 7)
I Compliance	History Adjustment		

		ening Date			Doc	ket No. 2020-0665-PWS-E		PCW
			Aqua Utilities, Inc.					4 (April 2014)
Reg		ase ID No.	59325 RN102673894				PCW Revision Sept	ember 1, 2019
i.cg			Public Water Suppl	v				
	Enf. C		Aaron Vincent					
	Viol	ation Number	1					
		Rule Cite(s)		30 Te	ex. Admin. Co	de § 290.44(f)(2)		
			Failed to encase	e the wate	erline in a sepa	arate watertight pipe encaseme	nt and	
	Violatio	n Description	flowing or intermit was not in a sepa	ttent strea rate wate obtained	rtight pipe en	ing when waterlines are laid un y, the waterline crossing Marca casement with valves on each om the Executive Director to or encasement.	do Creek side, nor	
						Bas	e Penalty	\$5,000
>> En	vironme	ntal, Proper	ty and Human	Health	Matrix	enegation and partial s		
				Harm				
OR		Release Actual		oderate	Minor			
		Potential	The state of the s			Percent 30.0%		
241								1114
>>Pro	gramma	tic Matrix Falsification	Major M	oderate	Minor			
		New York Control	Management (1912)			Percent 0.0%		
	Matrix				The second secon	rlines under any flowing or inte		
	Notes	stream could	A SECOND OF PROPERTY OF THE PR	AND THE RESERVE AND ADDRESS.		s served by the Facility to control ective of human health.	aminants	
			William Woold CA					
		<b>计算机图 2004</b>				Adjustment	\$3,500	
								\$1,500
								72,000
Violati	on Even	ts						
		Number of \	Violation Events	4		112 Number of violation	days	
			Name of the State					
		nna faalid	dally					
			weekly monthly	X				
			quarterly			Violation Bas	e Penalty	\$6,000
			semiannual					
			annual					
			single event					
		-						
		Four monthly			7, 2020 scree	the January 16, 2020 investigating date.	ation date	
Good	Faith Fff	orts to Com	idly -	0.0%			Reduction	\$0
3000		. w com		e NOE/NOV	THE RESIDENCE OF STREET STREET, SANS ASSESSMENT OF STREET, SANS ASSESSMENT	PRP/Settlement Offer		70
			Extraordinary					
			Ordinary					
			N/A	X	Your also the Con-	rado elik		
			Notes	Respond		meet the good faith criteria for violation.		
						Violation	Subtotal	\$6,000
Econo	mic Ben	efit (EB) for	this violation			Statutory Limit	: Test	
			ed EB Amount		\$695	Violation Final Pen	alty Total	\$6,300
				100				\$6,300
						ssessed Penalty (adjusted i		

	The second secon	conomic	Denent	-	RSHEEL		AND DESCRIPTION OF THE PARTY.
Respondent		Inc.					
Case ID No.	59325						
eg. Ent. Reference No.	RN102673894						A Special
Media	Public Water S	Supply				Percent Interest	Years of
Violation No.	1					Percent Interest	Depreciation
	And the second second					5.0	15
			FI1 D-4-			The second contract of the second contract of	EB Amount
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description				and the later of t	ring the last section of t		
Delayed Costs		And the second s					
Equipment			100	0.00	\$0	\$0	\$0
Buildings		No. of the last of		0.00	\$0	\$0	\$0
Other (as needed)		TAME TO STATE OF THE STATE OF T		0.00	\$0	\$0	\$0
Engineering/Construction	\$2,500	13-Feb-2017	1-Feb-2021	3.97	\$33	\$662	\$695
Land			<b>对新的企业使用范围</b>	0.00	\$0	n/a	\$0
Record Keeping System			NAME OF STREET	0.00	\$0	n/a	\$0
Training/Sampling		No. of South Street, and the second		0.00	\$0	n/a	\$0
Remediation/Disposal Permit Costs				0.00	\$0 \$0	n/a n/a	\$0 \$0
Other (as needed)				0.00	\$0	n/a	\$0
				1 1 1 1 1 1 1 1 1		A THE RESERVE TO SERVE THE PARTY OF THE PART	
				unt nec	cessary to encase	the waterline and in	stall valves at
Notes for DELAYED costs				unt nec	cessary to encase	A THE RESERVE TO SERVE THE PARTY OF THE PART	stall valves at
Notes for DELAYED costs	points w	here the line cross	ses any flowing	unt nec	essary to encase mittent stream, c	the waterline and in	stall valves at late of the
	points w	there the line cross vestigation initially	ses any flowing documenting	unt ned or inter the viola	cessary to encase rmittent stream, cation to the estima	the waterline and in alculated from the d ated date of complian	stall valves at late of the nce.
Avoided Costs	points w	there the line cross vestigation initially	ses any flowing documenting	unt ned or inter the viola	cessary to encase rmittent stream, cation to the estimation (except for	the waterline and in alculated from the d ated date of complian r one-time avoide	stall valves at late of the nce.
Avoided Costs  Disposal	points w	there the line cross vestigation initially	ses any flowing documenting	or intering	cessary to encase rmittent stream, cation to the estimalitem (except for \$0	the waterline and in: alculated from the d ated date of complian r one-time avoide \$0	stall valves at late of the nce.  d costs)
Avoided Costs Disposal Personnel	points w	there the line cross vestigation initially	ses any flowing documenting	or Interche violatering	cessary to encase condition to the estimation to the estimation to the estimation (except for \$0 \$0 \$0	the waterline and in- alculated from the d ited date of complian r one-time avoide \$0 \$0	stall valves at late of the nce.  d costs) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	points w	there the line cross vestigation initially	ses any flowing documenting	or interche violatering	eessary to encase rmittent stream, c ation to the estima item (except fo \$0 \$0	the waterline and in: alculated from the d sted date of compilar r one-time avoide \$0 \$0 \$0	stall valves at late of the nce.  d costs) \$0 \$0 \$0
Avoided Costs  Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment	points w	there the line cross vestigation initially	ses any flowing documenting	tering 0.00 0.00 0.00	eessary to encase rmiltent stream, c ation to the estima item (except fo \$0 \$0 \$0 \$0	the waterline and intellection the detection	stall valves at late of the nce.  d costs) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	points w	there the line cross vestigation initially	ses any flowing documenting	tering 0.00 0.00 0.00 0.00 0.00	eessary to encase rmilitent stream, cation to the estimalitem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	the waterline and intellection the detection	stall valves at late of the nce.  d costs)  \$0  \$0  \$0  \$0  \$0  \$0
Avoided Costs  Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	points w	there the line cross vestigation initially	ses any flowing documenting	tering 0.00 0.00 0.00	eessary to encase rmiltent stream, c ation to the estima item (except fo \$0 \$0 \$0 \$0	the waterline and intellection the detection	stall valves at late of the nce.  d costs) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	points w	there the line cross vestigation initially	ses any flowing documenting	or Inter- the violation of the violation	essary to encase rmittent stream, cation to the estimalitem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	the waterline and intellected date of compliant rone-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	stall valves at late of the nce.  d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs  Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	points w	there the line cross vestigation initially	ses any flowing documenting	or Inter- the violation of the violation	essary to encase rmittent stream, cation to the estimalitem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	the waterline and intellected date of compliant rone-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	stall valves at late of the nce.  d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs  Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	points w	there the line cross vestigation initially	ses any flowing documenting	or Inter- the violation of the violation	essary to encase rmittent stream, cation to the estimalitem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	the waterline and intellected date of compliant rone-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	stall valves at late of the nce.  d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	points w	there the line cross vestigation initially	ses any flowing documenting	or Inter- the violation of the violation	essary to encase rmittent stream, cation to the estimalitem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	the waterline and intellected date of compliant rone-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	stall valves at late of the nce.  d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	points w	there the line cross vestigation initially	ses any flowing documenting	or Inter- the violation of the violation	essary to encase rmittent stream, cation to the estimalitem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	the waterline and intellected date of compliant rone-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	stall valves at late of the nce.  d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	points w	there the line cross vestigation initially	ses any flowing documenting	or Inter- the violation of the violation	essary to encase rmittent stream, cation to the estimalitem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	the waterline and intellection the detection	stall valves at late of the nce.  d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

	1	ening Date Respondent Case ID No.	Aqua Utilities, Inc.	Docket N	o. 2020-0665-PWS-E		PCW on 4 (April 2014)
Reg.		ference No.				PCW Revision Sep	otember 1, 2019
		Coordinator					
	Viol	ation Number	2				
		Rule Cite(s)	30	O Tex. Admin. Code § 29	90.46(m)		
	Violatio	on Description	working condition and gen	eral appearance of the s	the 0.043 million-gallon	ulpment.	
					Base	Penalty	\$5,000
>> En	vironme	ntal, Proper	ty and Human Healt	h Matrix			
OR		Release Actual	Harm Major Moderate	Minor			
		Potential	X		Percent 15.0%		
>>Pro	gramma	tic Matrix	Parcel Contraction	THE WAY SERVICES			
		Falsification	Major Moderate	Minor	Percent 0.0%		
					Percent 0.0%		
	Matrix	Failure to mai	ntain the good working cond	dition and general appea	arance of the Facility coul	d expose	
	Notes	persons ser	ved by the Facility to a sign	ificant amount of contain otective of human health		exceed	
			levels pro	otective of numari near			
					Adjustment	\$4,250	
							\$750
		234 14 21 31 4 2			A CONTRACTOR OF THE SECOND		1 in the same
Violati	on Even	ts			A CALL TO A CALL		No. of the least
		Number of \	Violation Events 1	44	Number of violation of	days	
					The second second		195000
			daily				
			monthly				
			quarterly x		Violation Base	Penalty	\$750
			semiannual				11.14
			annual single event				
			Single event				1,500
		One quarter	y event is recommended, ca	alculated from the Janua y 29, 2020 compliance o		date to	
		Comments and the second	the repride	y 29, 2020 compliance of			
Good I	Faith Eff	orts to Com	ply 25.09 Before NOE/NO		militari di mandi di mada di basa da santa da santa di mandi di mandi di mandi di mandi di mandi di mandi di m	Reduction	\$187
			Extraordinary Extraordinary	NOE/NOV to EDPRP/Setti	ement Offer		
			Ordinary x				
			N/A	TO BERNSON AND ADDRESS OF THE			
			Notes The Resp	ondent achieved complia 2020.	ance by February 29,		
- 144					Violation	Subtotal	\$563
Econor	mic Ren	efit (FR) for	this violation		Statutory Limit	tiplication to the	
2001101	THE DELL						122:
		Estimat	ed EB Amount	\$35	Violation Final Pena	iity Total	\$601
			This v	iolation Final Assesse	ed Penalty (adjusted for	or limits)	\$601

	and the sale	conomic	Benefit	Wo	rksheet		
Respondent	NAME AND ADDRESS OF TAXABLE PARTY.	Control of the Contro					
Case ID No.							
eg. Ent. Reference No.	RN102673894						and the same of
Media	Public Water S	Supply				Percent Interest	Years of
Violation No.	2					AND DESCRIPTION OF THE PARTY OF	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	EB Amount
Item Description		A STATE OF THE PARTY OF					
Delayed Costs							ARCHIOLOGICAL TO
Equipment	The state of the s			0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)		39-21-21-21-21-21-21-21-21-21-21-21-21-21-		0.00	\$0 \$0	\$0 \$0	\$0 \$0
Engineering/Construction Land				0.00	\$0	n/a	\$0
Record Keeping System	A SECTION OF YOUR			0.00	\$0	n/a	\$0
Training/Sampling		<b>计划后数型系统</b>		0.00	\$0	n/a	\$0
Remediation/Disposal Permit Costs				0.00	\$0 \$0	n/a	\$0 \$0
Other (as needed)	\$500	4-Oct-2018	29-Feb-2020			n/a	\$35
							1800 310 774
Avoided Costs	ANNU	ALIZE avoided c	osts before e	ntering 0.00		r one-time avoided	d costs)
Personnel				0.00		\$0	\$0
nspection/Reporting/Sampling			g Tolor of Hilliams	0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance ONE-TIME avoided costs				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00		\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$500			TOTAL		\$35
		\$500			TOTAL		\$35
		\$500			TOTAL		\$35
		\$500			TOTAL		\$35
		\$500			TOTAL		\$35

		ening Date			Docket	No. 2020-0665-PWS-E		PCW
		espondent ase ID No.	Aqua Utilities, In	c.				n 4 (April 2014)
Reg.			RN102673894				PCW Revision Sep	tember 1, 2019
			Public Water Sup	pply				
			Aaron Vincent	Property of				
	Viola	tion Number	3					
		Rule Cite(s)	30 Tex. Admin.	Code § 290.39	(j)(1)(A) and Te	k. Health & Safety Code § 341	.0351	
	Violatio	n Description	where the ch decrease in p Specifically, the the well pump	nange in the exi roduction, treat Respondent di rated at 150 g	sting distribution ment, storage, o d not notify the allons per minut	g any significant change or ad a system results in an increase or pressure maintenance capa Executive Director prior to rep e ("gpm") and the 15-horsepo 5 gpm and a 7.5-horsepower	or city. lacing ower	
						Base P	enalty	\$5,000
>> En	vironme	ntal. Proper	ty and Huma	n Health M	atrix			
			. The same of the same	Harm				
OR		Release	Major	Moderate	Minor			
UK		Actual Potential				Percent 0.0%		
	44.44		A Istanos de Associa			0.070		195197
>>Pro	gramma	tic Matrix						
		Falsification	Major x	Moderate	Minor	Percent 15.0%		
						Percent 13.0%		1957
	45.4				· · · · · · · · · · · · · · · · · · ·		9,376	
	Matrix Notes	- 11 - 19-11-11	100	% of the rule re	quirements were	e not met.		
en gebruik au	SCHOOL S					Adjustment	\$4,250	
								\$750
								4750
Violati	on Event	s						
		Number of \	/iolation Events	1.	11	Number of violation day	rs .	
		4		<u> </u>	Gradien en	na en les deltres		
			dally					
			weekly monthly					
			quarterly	AND THE SECOND		Violation Base P	enalty	\$750
			semiannual				100	
			annual single event					1911
			Single event	X				1056
		TOTAL SELECTION						
				One single eve	ent is recommen	ded.		
Good I	Faith Eff	orts to Com	nly F	0.0%		Dec.	duction	\$0
300u I	aidi Eili				DE/NOV to EDPRP/S		addon _	40
			Extraordinary					
			Ordinary					
			N/A	X				
			Notes	The Responden	t does not meet this violat	the good faith criteria for ion.		
						Violation Su	ıbtotal	\$750
Econo	mic Bene	fit (EB) for	this violatio	n		Statutory Limit To	est	
		Estimat	ed EB Amount		\$99	Violation Final Penalty	/ Total	\$788
			Allivant				111112	
1			100000000000000000000000000000000000000	This violat	ion Final Asses	sed Penalty (adjusted for	limits)	\$788

	Service Control	conomic	Benefit	Wo	rksheet		
Respondent Case ID No. eq. Ent. Reference No.	59325						
	Public Water S					Percent Interest	Years of Depreciation
		or solding company	TO A THE RESIDENCE			5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings	State of the State			0.00	\$0	\$0	\$0
Other (as needed)	\$500	4-Oct-2018	31-Jul-2021	2.82	<b>\$</b> 5	\$94	\$99
Engineering/Construction	ARTHUR ALLE			0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	Ble State Ble at a			0.00	\$0	n/a	\$0
Training/Sampling	leasing property	Children Establish		0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Aller (	The state of the s	-					
Other (as needed)				0.00 ount to	\$0 submit accurate,	n/a up-to-date, and deta	\$0 ailed as-built
Notes for DELAYED costs	plans, specifi Facility's prod from the dat	cations, and engir uction, including b te of the investigat	neering reports ut not limited to tion intially docu	ount to and obt the re umentin	submit accurate, is also approval for the placed well pump g the violation to the submit of the placed well pump.	n/a up-to-date, and deta ne significant change and motor at Well N the estimated date of	\$0 alled as-built as made to the to. 3, calculated of compliance.
	plans, specifi Facility's prod from the dat	cations, and engir uction, including b te of the investigat	neering reports ut not limited to tion intially docu	ount to and obt the re umentin	submit accurate, is also approval for the placed well pump g the violation to the submit of the placed well pump.	n/a up-to-date, and deta ne significant change and motor at Well N	\$0 alled as-built as made to the to. 3, calculated of compliance.
Notes for DELAYED costs  Avoided Costs	plans, specifi Facility's prod from the dat	cations, and engir uction, including b te of the investigat	neering reports ut not limited to tion intially docu	ount to and obt the re umentin	submit accurate, aln approval for the placed well pump g the violation to the litem (except for	n/a up-to-date, and deta ne significant change and motor at Well N the estimated date of	siled as-built es made to the o. 3, calculated of compliance.
Notes for DELAYED costs  Avoided Costs Disposal Personnel	plans, specifi Facility's prod from the dat	cations, and engir uction, including b te of the investigat	neering reports ut not limited to tion intially docu	ount to and obt the re umenting tering	submit accurate, all approval for the placed well pump g the violation to the litem (except for \$0	n/a up-to-date, and dete e significant change and motor at Well N the estimated date of r one-time avoided	\$0  alled as-built as made to the o. 3, calculated of compliance. d costs)
Notes for DELAYED costs  Avoided Costs Disposal Personnel	plans, specifi Facility's prod from the dat	cations, and engir uction, including b te of the investigat	neering reports ut not limited to tion intially docu	ount to and obt the re menting 0.00 0.00	submit accurate, and approval for the placed well pump of the violation to the litem (except for \$0 \$0	n/a up-to-date, and dete e significant change and motor at Well N the estimated date of r one-time avoided \$0 \$0	\$0  alled as-built as made to the o. 3, calculated of compliance.  d costs) \$0 \$0
Notes for DELAYED costs  Avoided Costs  Disposal  Personnel  aspection/Reporting/Sampling	plans, specifi Facility's prod from the dat	cations, and engir uction, including b te of the investigat	neering reports ut not limited to tion intially docu	ount to and obt the re menting 0.00 0.00 0.00	submit accurate, and approval for the placed well pump g the violation to the submit of the submit o	n/a up-to-date, and dete up significant change and motor at Well N the estimated date of one-time avoided \$0 \$0 \$0	\$0  alled as-built as made to the o. 3, calculated of compliance. d costs) \$0 \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel espection/Raporting/Sampling Supplies/Equipment	plans, specifi Facility's prod from the dat	cations, and engir uction, including b te of the investigat	neering reports ut not limited to tion intially docu	ount to and obto the resumenting 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	submit accurate, alin approval for the placed well pump in the violation to the submit of the submit	n/a up-to-date, and dete e significant change and motor at Well N the estimated date of r one-time avoider \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0  alled as-built as made to the o. 3, calculated of compliance.  d costs) \$0 \$0 \$0 \$0
Avoided Costs  Avoided Costs  Disposal  Personnel  nspection/Reporting/Sampling  Supplies/Equipment  Financial Assurance	plans, specifi Facility's prod from the dat	cations, and engir uction, including b te of the investigat	neering reports ut not limited to tion intially docu	ount to and obt to the re umentin 0.00 0.00 0.00 0.00	submit accurate, aln approval for the placed well pump g the violation to the litem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a up-to-date, and determine significant change and motor at Well Nothe estimated date of the construction of the constructio	\$0  alled as-built as made to the so. 3, calculated of compliance.  d costs)  \$0  \$0  \$0  \$0  \$0  \$0
Avoided Costs  Avoided Costs  Disposal  Personnel  Inspection/Reporting/Sampling  Supplies/Equipment  Financial Assurance  ONE-TIME avoided costs	plans, specifi Facility's prod from the dat	cations, and engir uction, including b te of the investigat	neering reports ut not limited to tion intially docu	ount to and obto the resumenting 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	submit accurate, alin approval for the placed well pump in the violation to the submit of the submit	n/a up-to-date, and dete e significant change and motor at Well N the estimated date of r one-time avoider \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0  alled as-built be made to the co. 3, calculated f compliance.  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$

		ening Date			Docket	No. 2020-0665-PWS-E	PCW
		lespondent Case ID No.	Aqua Utilities,	Inc.			Revision 4 (April 2014) ision September 1, 2019
Reg.			RN102673894			PCW REV	Sion September 1, 2019
			Public Water S				
			Aaron Vincent				
	Viol	ation Number	Name and Address of the Owner, where the Owner, which is the Owner, which				1
		Rule Cite(s)		30 Tex	c. Admin. Code §	290.46(m)(4)	
			Tange Walter	er Lines lan			
	Violatio	n Description	facilities, d	free of excessive	em lines, and relate e solids. Specifica	storage and pressure maintenance ted appurtenances in a watertight illy, water samples collected from the discolored due to elevated levels of ilds.	
						Base Penalty	\$5,000
>> Fn	vironme	ntal Prope	rty and Hun	nan Health I	Matrix		
	14 1 1 1 1 1		-	Harm	TOLINA		
OR		Release		Moderate	Minor		
OK		Potential			×	Percent 7.0%	
>>Pro	gramma	tic Matrix		Madayata	Minan		
		Falsification	Major	Moderate	Minor	Percent 0.0%	
			The same of the sa			0.070	
		Fallure to r	maintain the dis	stribution system	n lines free of exc	essive solids could expose persons	
	Matrix Notes	served by ti	he Facility to an	The state of the s	nount of contamir e of human healt	ants which would not exceed levels h.	
		Anther many				Adjustment \$4,650	
							\$350
Anna de la composición de la composición de la composición de la composición de la composición de la composición							
Violati	ion Even	ts	STATE OF THE PARTY	Resident Schools			
		Number of	Violation Events	1	1	12 Number of violation days	
			dally weekly				
			monthly				
			quarterly			Violation Base Penalty	\$350
			semiannual				
			annual single event	X			
			single event				
		到行					
				One single e	event is recomme	nded.	
Good	Faith Eff	orts to Com	ply	0.0%		Reduction	\$0
			A Comment of the		NOE/NOV to EDPRP/S	Settlement Offer	
			Extraordinary	The second secon	SHIP CONTRACTOR OF PERSONS		
			- "				
			Ordinary				
			Ordinary N//	X			
				The Responde		t the good faith criteria for	
			N//	The Responde	ent does not mee this viola	tion.	100-
			N//	The Responde		Violation Subtota	\$350
Econo	mic Ben	efit (EB) fo	N//	The Responde		tion.	\$350
Econo	mic Ben		N//	The Responde		Violation Subtota	
Econo	mic Ben		N// Note r this violat	The Responde	this viola	Violation Subtota Statutory Limit Test	\$368

Violation No.	Public Water S	Supply				Percent Interest	Years of Depreciation
	A STATE OF THE PARTY OF THE PAR					5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Equipment	PARTY SERVICE	CONTRACTOR AND ADDRESS		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	DESERTED 100			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	Color Della Color			0.00	\$0	n/a	\$0
Permit Costs Other (as needed)				0.00	\$0 \$0	n/a n/a	\$0 \$0
nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs				0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Other (as needed)				0.00		\$0	\$0
Notes for AVOIDED costs							

		ening Date			Docket	No. 2020-0665-PWS-E		PCW
			Aqua Utilities,	Inc.				on 4 (April 2014)
Don E	the second second	ase ID No.					PCW Revision Se	otember 1, 2019
Reg. E	nt. Kei		RN102673894 Public Water S					
	Enf. C		Aaron Vincent					
		ation Number						
		Rule Cite(s)		30 Tex.	Admin. Code § 2	90.44(h)(4)		
	Violatio	n Description	and on an operating w form noted pressure zone	annual basis by a lithin specifications I that the relief val device ("RPZ") ins had reduced backf	recognized BPA . Specifically, a live was not open stalled at the wa	es ("BPAs") tested upon tester and certify that the BPA Test and Maintenan- ning during a test on the stewater treatment plan capabilities and it was no specifications.	hey are ce Report reduced t, Indicating	
						Ва	se Penalty	\$5,000
> Envi	ronme	ntal, Proper	rty and Hun	nan Health Ma	trix			
				Harm				
OR		Release		Moderate	Minor			
OK		Actual Potential	The state of the s	x		Percent 15.09	1	
		rotential				Percent 13.07	<u> </u>	
>Progi	ramma	tic Matrix			ALCOHOL:			
		Falsification	Major	Moderate	Minor	The second of the second		
						Percent 0.09	6	
	Matrix	The second secon				ns could result in a rever it in persons served by t	Same of the Control o	
	Notes					ould not exceed levels p		
					an health.			
	A PROPERTY.		<b>CONTRACTOR</b>			Adjustment	\$4,250	
	100					Maria Maria		
								\$75
iolation	n Even	racing describe	NEW TO A STREET WATER TO STREET	CONTRACTOR STATE	NAME OF TAXABLE PARTY.	energy and a secretarion.	TO SERVICE STATE OF THE PARTY O	
ioiauoi	n Even		No plant of the second second		THE OWNER OF THE OWNER OF	Marin Stationary and Assessment		
		Number of	Violation Events	2	11	2 Number of violatio	n days	
					<u> </u>			
			dally					
			weekly					
			monthly					
			quarterly	X		Violation Ba	se Penalty	
			semiannual					\$1,50
			annuai					\$1,50
			single event					\$1,50
			single event					\$1,50
								\$1,50
		Two quarter		commended, calcu		January 16, 2020 Investigate	gation date	\$1,50
		Two quarter		commended, calcu	lated from the J 020 screening d		gation date	\$1,50
			y events are re	commended, calcu to the May 7, 2				
ood Fa	ith Eff	Two quarter	y events are re	commended, calcuto the May 7, 2	020 screening d	late.	gation date	
ood Fa	ith Eff		y events are re	commended, calcu to the May 7, 2 0.0% Before NOE/NOV NO	020 screening d	late.		
ood Fa	ith Eff		y events are re	commended, calcuto the May 7, 2  0.0% Before NOE/NOV NO	020 screening d	late.		
ood Fa	ith Eff		y events are re  ply  Extraordinary  Ordinary	commended, calcuto the May 7, 2  0.0%  Before NOE/NOV NO	020 screening d	late.		
ood Fa	ith Eff		y events are re	commended, calcuto the May 7, 2  0.0%  Before NOE/NOV NO	020 screening d	late.		
ood Fa	ith Eff		y events are re  ply  Extraordinary  Ordinary	commended, calcuto the May 7, 2  0.0%  Before NOE/NOV NO  X  The Respondent	020 screening d	ttlement Offer the good faith criteria for	Reduction	
ood Fa	ith Eff		y events are re  ply  Extraordinary  Ordinary	commended, calcuto the May 7, 2  0.0%  Before NOE/NOV NO  X  The Respondent	020 screening d	ttlement Offer the good faith criteria for	Reduction	
ood Fa	ith Eff		y events are re  ply  Extraordinary  Ordinary	commended, calcuto the May 7, 2  0.0%  Before NOE/NOV NO  X  The Respondent	020 screening d	ttlement Offer the good faith criteria for	Reduction	
		orts to Com	y events are re  Ply  Extraordinary  Ordinary  N/A	commended, calcuto the May 7, 2  0.0% Before NOE/NOV NO  X The Respondent	020 screening d	ttlement Offer the good faith criteria for	Reduction	4
		orts to Com	y events are re  ply  Extraordinary  Ordinary	commended, calcuto the May 7, 2  0.0% Before NOE/NOV NO  X The Respondent	020 screening d	the good faith criteria for	Reduction	\$
		orts to Com	y events are re  Ply  Extraordinary  Ordinary  N/A	commended, calcuto the May 7, 2  0.0% Before NOE/NOV NO  X  The Respondent	020 screening d	ttlement Offer the good faith criteria for	Reduction on Subtotal	\$1,50
		orts to Com	y events are re  ply  Extraordinary  Ordinary  N/A  Notes	commended, calcuto the May 7, 2  0.0% Before NOE/NOV NO  X The Respondent	020 screening d E/NOV to EDPRP/Se  does not meet this violation \$315	the good faith criteria for on.  Violatic	Reduction on Subtotal it Test naity Total	\$1,500 \$1,500 \$1,570 \$1,570

	E	conomic	Benefit	WO	rksheet		
Respondent Case ID No.	59325						
	Public Water 9					Percent Interest	Years of
Violation No.	5						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description	a contract when the						
Delayed Costs			The same of the sa				
Equipment	\$2,000	4-Oct-2018	2-Jan-2021	2.25	\$15	\$300	\$315
Buildings			GIVE DEPOSE AND A	0.00	\$0	\$0	\$0
Other (as needed) Engineering/Construction				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	2012			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)			and the second second	0.00	\$0	n/a	\$0
	A THE RESIDENCE OF THE PARTY OF			unt to n	epair or replace th	e RPZ Installed at th	e wastewater
Notes for DELAYED costs  Avoided Costs	treatmen In	t plant and certify vestigation initially	that it is opera documenting i	unt to n ting wit	epair or replace th hin specifications, ation to the estima	e RPZ installed at th calculated from the sted date of complian	e wastewater date of the nce.
Notes for DELAYED costs  Avoided Costs Disposal	treatmen In	t plant and certify vestigation initially	that it is opera documenting i	unt to n ting wit	epair or replace th hin specifications, ation to the estima	e RPZ installed at th	e wastewater date of the ace.
Avoided Costs	treatmen In	t plant and certify vestigation initially	that it is opera documenting i	unt to n ting with the viola	epair or replace th hin specifications, ation to the estima Item (except fo	e RPZ installed at the calculated from the oten date of compliant one-time avoided	e wastewater date of the nce.
Avoided Costs Disposal Personnel	treatmen In	t plant and certify vestigation initially	that it is opera documenting i	unt to nating with the violation	epair or replace the hin specifications, ation to the estimation t	e RPZ Installed at the calculated from the ted date of compilar rone-time avoided \$0 \$0 \$0	e wastewater date of the ice. i costs) \$0 \$0 \$0
Avoided Costs Disposal Personnel aspection/Reporting/Sampling Supplies/Equipment	treatmen In	t plant and certify vestigation initially	that it is opera documenting i	tering 0.00 0.00 0.00	epair or replace the hin specifications, ation to the estimation to the estimation to the estimation (except for \$0 \$0 \$0 \$0 \$0 \$0	te RPZ Installed at the calculated from the calculated from the calculated date of compilar rone-time avoided \$0 \$0 \$0 \$0 \$0	e wastewater date of the loce.  1 costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs  Disposal  Personnel  nspection/Reporting/Sampling  Supplies/Equipment  Financial Assurance	treatmen In	t plant and certify vestigation initially	that it is opera documenting i	tering 0.00 0.00 0.00 0.00	epair or replace the hin specifications, ation to the estima ltem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	te RPZ Installed at the calculated from the calculated from the calculated from the calculated date of compliant one-time avoided \$0 \$0 \$0 \$0 \$0 \$0	e wastewater date of the loce.  I costs)  \$0  \$0  \$0  \$0  \$0  \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	treatmen In	t plant and certify vestigation initially	that it is opera documenting i	unt to reting with the violation of the	epair or replace the hin specifications, ation to the estimal item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	r calculated from the calculated from the calculated from the calculated from the calculated of compliant one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	e wastewater date of the loce.  if costs)  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$
Avoided Costs  Disposal Personnel aspection/Raporting/Sampling Supplies/Equipment Financial Assurance	treatmen In	t plant and certify vestigation initially	that it is opera documenting i	tering 0.00 0.00 0.00 0.00	epair or replace the hin specifications, ation to the estima ltem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	te RPZ Installed at the calculated from the calculated from the calculated from the calculated date of compliant one-time avoided \$0 \$0 \$0 \$0 \$0 \$0	e wastewater date of the loce.  I costs)  \$0  \$0  \$0  \$0  \$0  \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	treatmen In	t plant and certify vestigation initially	that it is opera documenting i	unt to reting with the violation of the	epair or replace the hin specifications, ation to the estimal item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	r calculated from the calculated from the calculated from the calculated from the calculated of compliant one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	e wastewater date of the loce.  if costs)  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$

To request a more accessible version of this report, please contact the TCEO 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, CN602787509, Aqua Utilities, Inc. Classification: SATISFACTORY Rating: 27.51

or Owner/Operator:

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

SUBDIVISION

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:

**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