#### SECTION 3.20 SPECIFIC UTILITY EXTENSION POLICY (Continued)

(3)If an exception is granted, the Utility shall establish a proportional cost plan for the specific extension or a rebate plan which may be limited to seven years to return the portion of the applicant's costs for oversizing as new customers are added to ensure that future applicants for service on the line pay at least as much as the initial service applicant.

For purposes of determining the costs that service applicants shall pay, commercial customers with service demands greater than residential customer demands in the certificated area, industrial, and wholesale customers shall be treated as developers.

# Attachment 05 - List of Customer Deposits (to be filed under CONFIDENTIAL seal)

# Attachment 06 - Proposed Accounting Entries (to be filed under CONFIDENTIAL seal)

## **Attachment 07 - Certificate of Account Status**





#### **Franchise Tax Account Status**

As of: 06/30/2023 11:29:44

This page is valid for most business transactions but is not sufficient for filings with the Secretary of State

#### **TEXAS WATER UTILITIES, L.P.**

Texas Taxpayer Number 10303732514

12535 REED RD C/O TAX DEPT (FSC) SUGAR LAND, Mailing Address

TX 77478-2837

**?** Right to Transact Business in ACTIVE

State of Formation TX

Effective SOS Registration Date 12/10/2001

Texas SOS File Number 0800034797

Registered Agent Name COGENCY GLOBAL INC.

Registered Office Street Address 1601 ELM STREET SUITE 4360 DALLAS, TX 75201





#### **Franchise Tax Account Status**

As of: 06/30/2023 11:28:28

This page is valid for most business transactions but is not sufficient for filings with the Secretary of State

#### SWWC UTILITIES, INC.

Texas Taxpayer Number 12602872199

12535 REED RD ATTN: TAX DEPT (FSC) SUGAR LAND, Mailing Address

TX 77478-2837

**?** Right to Transact Business in ACTIVE

State of Formation DE

**Effective SOS Registration Date** 06/19/2007

Texas SOS File Number 0800832416

Registered Agent Name COGENCY GLOBAL INC.

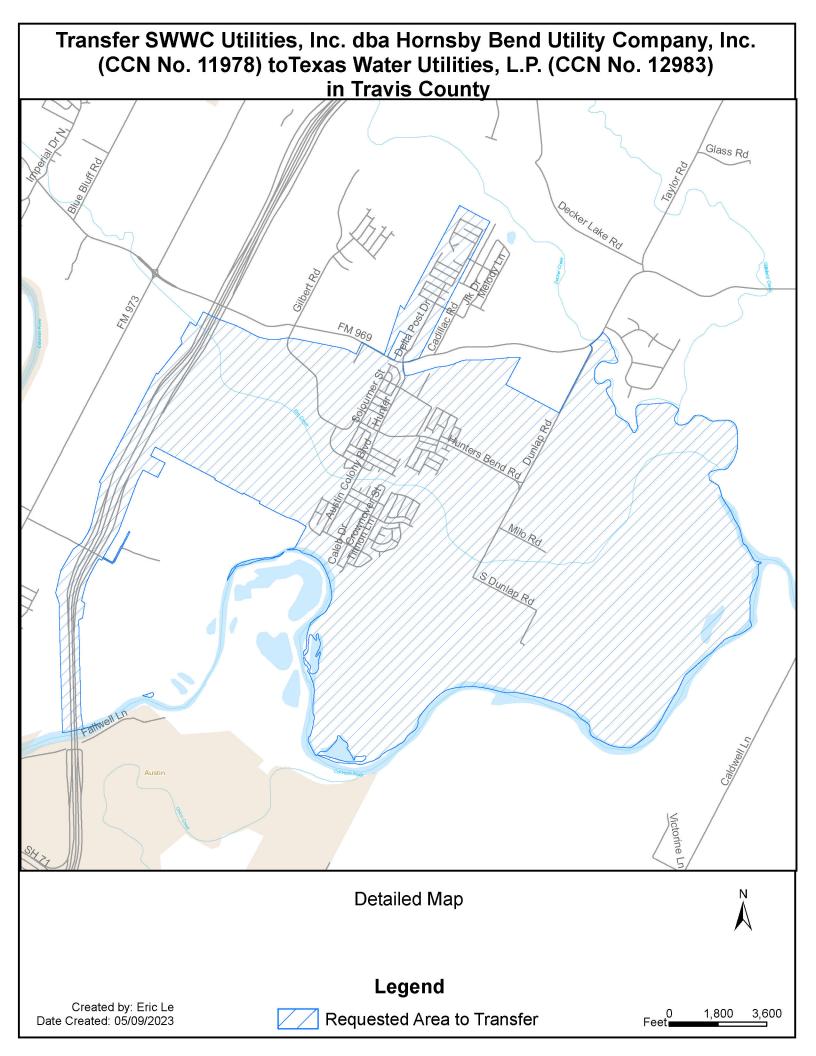
Registered Office Street Address 1601 ELM STREET SUITE 4360 DALLAS, TX 75201

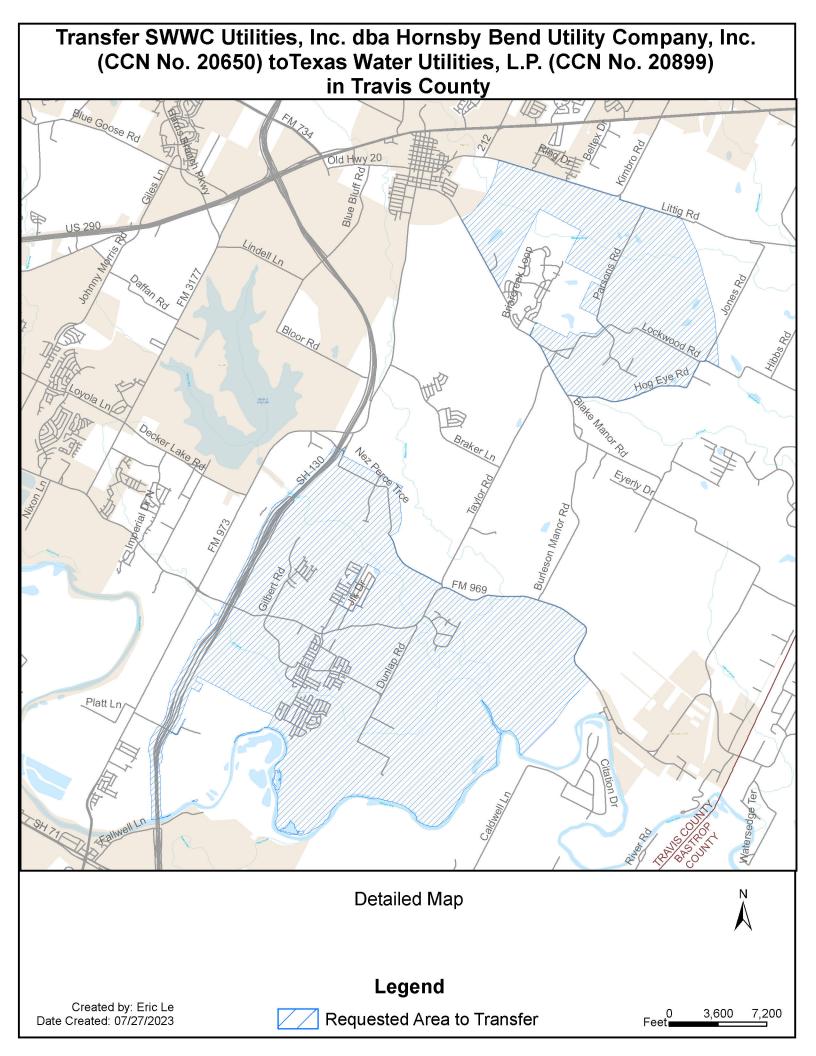
# Attachment 08 - Financial Audit (to be filed under CONFIDENTIAL seal)

# Attachment 09 - Disclosure of Affiliate Interests (to be filed under CONFIDENTIAL seal)

# Attachment 10 - List of Assets to be Transferred (to be filed under CONFIDENTIAL seal)

## Attachment 11 - Detailed (Large Scale) Maps





## Attachment 12 - General (Small Scale) Maps

Transfer SWWC Utilities, Inc. dba Hornsby Bend Utility Company, Inc. (CCN No. 11978) toTexas Water Utilities, L.P. (CCN No. 12983) in Travis County **General Location Map** Legend Created by: Eric Le 8,400 4,200 Requested Area to Transfer Date Created: 06/28/2023

Transfer SWWC Utilities, Inc. dba Hornsby Bend Utility Company, Inc. (CCN No. 20650) toTexas Water Utilities, L.P. (CCN No. 20899) in Travis County **General Location Map** Legend Created by: Eric Le 6,300 12,600 Requested Area to Transfer Date Created: 06/28/2023

# Attachment 13 - Transferee Projected Financial Information (to be filed under CONFIDENTIAL seal)

# Attachment 14 - Transferee Enforcement Action Summary

Utility	Area Office	System Name	System Type	PWS/WQ ID Numb	Docket Number	Violation	Date Agreed Order Signed by TCEQ Comments
Texas Water Utilities	Pottsboro	Ridgecrest	Water	0910035	2021-0550-PWS-E	HAA5s	9/15/2022 HAA5s concentration has returned to compliance. Waiting on NOC.
Texas Water Utilities	Conroe	Holiday Villages of Livingston	Wastewater	WQ0014056001	2022-0430-MWD-E	Effluent Violations	pending Effluent noncompliant in February 2022. Awaiting final approval of the SEP.
							Agreed Order signed by the commission 04/17. TTHMs RRA is in compliance
Texas Water Utilities	Mabank	Indian Hills Harbor	Water	1580063	2022-0888-PWS-E	TTHMs	4/17/2023 with the MCL. Waiting to receive NOC.
							Certification statement submitted to TCEQ. New approved PT in service Jan
Texas Water Utilities	Conroe	Governors Point	Water	2040008	2020-1182-PWS-E	Plan Review	6/29/2021 2022. Waiting to receive NOC.

#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
MONARCH UTILITIES I L.P.	§	
RN101450286	§	ENVIRONMENTAL QUALITY

#### AGREED ORDER DOCKET NO. 2021-0550-PWS-E

On	JLI	U	1 4	446	
					, the Texas Commission on Environmental Quality ("the
Comm	ission"	or	"TC	EQ") co	onsidered this agreement of the parties, resolving an enforcement
action	regard	ing	Mor	narch (	Itilities I L.P. (the "Respondent") under the authority of TEX.
HEALT	H & SA	FET	y Co	DE ch.	341. The Executive Director of the TCEQ, through the Enforcement
Divisio	on, and	the	Res	sponde	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 366 Ridgecrest Road near Pottsboro, Grayson County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 527 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 a record review conducted on March 15, 2021 through March 26, 2021, an investigator documented that the locational running annual average concentrations for haloacetic acids ("HAA5") for Stage 2 Disinfection Byproducts at Site 2 were 0.081 milligrams per liter ("mg/L") for the third quarter of 2020, 0.080 mg/L for the fourth quarter of 2020, and 0.083 mg/L for the first quarter of 2021.

#### II. CONCLUSIONS OF LAW

- 1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
- 2. As evidenced by Finding of Fact No. 2, the Respondent failed to comply with the maximum contaminant level ("MCL") of 0.060 mg/L for HAA5 based on the locational running annual average, in violation of 30 Tex. ADMIN. CODE § 290.115(f)(1) and Tex. HEALTH & SAFETY CODE § 341.0315(c).
- 3. Pursuant to Tex. Health & Safety Code § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
- An administrative penalty in the amount of \$4,125 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 \$4,125 penalty.

#### III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Monarch Utilities I L.P., Docket No. 2021-0550-PWS-E" to:

Financial Administration Division, Revenue Operations Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The Respondent shall undertake the following technical requirements:
  - a. Within 365 days after the effective date of this Order, return to compliance with the MCL for HAA5, based on the locational running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.115.
  - b. Within 380 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with

Monarch Utilities I L.P. DOCKET NO. 2021-0550-PWS-E Page 3

Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

- 3. All relief not expressly granted in this Order is denied.
- 4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
- 5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the 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.

Monarch Utilities I L.P. DOCKET NO. 2021-0550-PWS-E Page 4

- 7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
- 8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
- 10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

Monarch Utilities I L.P. DOCKET NO. 2021-0550-PWS-E Page 5

#### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_ for live _	9/15/22
For the Commission	Date
- Custo	7/19/2022
For the Executive Director	Date
the attached Order, and I do agree to the term	the attached Order. I am authorized to agree to as and conditions specified therein. I further ment for the penalty amount, is materially relying
I also understand that failure to comply with t and/or failure to timely pay the penalty amou	the Ordering Provisions, if any, in this Order nt, may result in:
<ul> <li>additional penalties, and/or attorney fee</li> <li>Increased penalties in any future enforce</li> </ul>	ons submitted; eral's Office for contempt, injunctive relief, es, or to a collection agency; ement actions; ral's Office of any future enforcement actions; and
In addition, any falsification of any compliance	e documents may result in criminal prosecution.
ff////but	June 13, 2022
Signature //	Date
Jeffrey L. McIntyre	President
Name (Printed or typed) Authorized Representative of Monarch Utilities I L.P.	Title
☐ If mailing address has changed, please ch	eck this box and provide the new address below:

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

September 19, 2022

#### FIRST CLASS MAIL

Jeffrey L. McIntyre, President Monarch Utilities I L.P. 12535 Reed Road Sugar Land, Texas 77478

RE: Monarch Utilities I L.P.

TCEQ Docket No. 2021-0550-PWS-E; Registration No. 0910035 Agreed Order Assessing Administrative Penalties and Requiring Certain Actions

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

Laurie Gharis

Questions regarding the order should be directed to the Texas Commission on Environmental Quality's Enforcement Division at (512) 239-2545 or the Litigation Division at (512) 239-3400. If there are questions pertaining to the mailing of the order, then please contact Amy Davis of the Office of the Chief Clerk at (512) 239-3300.

Sincerely,

Laurie Gharis Chief Clerk

LG/ad

Enclosure

cc: Samantha Duncan, Enforcement Coordinator, TCEQ Enforcement Division

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

December 16, 2020

Charles W. Profilet, Jr., President Texas Water Services Goup, LLC, General Partner Monarch Utilities I, L.P. 12535 Reed Road Sugar Land, Texas 77478

Re: Proposed Agreed Order

Monarch Utilities I, L.P.; RN102318532; Public Water Supply ID No. 2040008

Docket No. 2020-1182-PWS-E; Enforcement Case No. 59731

FOR SETTLEMENT PURPOSES ONLY

Dear Mr. Profilet:

The Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ") is pursuing an enforcement action against Monarch Utilities I, L.P. for violations of the Texas Health & Safety Code and Commission Rules. These violations were discovered during a record review conducted on August 3, 2020, and documented in a letter dated August 13, 2020, from the TCEQ Beaumont 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 \$150. We are proposing a one-time offer to defer \$30 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 \$120. The order also identifies the violations that we are addressing and identifies specific technical requirements necessary to resolve them.

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

Charles W. Profilet Jr. Page 2 December 16, 2020

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 Monarch Utilities I, L.P., Docket No. 2020-1182-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

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

Charles W. Profilet Jr. Page 3 December 16, 2020

this brochure mailed to you, you may call and request one from the Central Office Publications Ordering Team at (512) 239-0028.

For any questions or comments about this matter or to arrange a meeting, please contact Ms. Samantha Duncan of my staff at (512) 239-2511 or <a href="mailto:samantha.duncan@tceq.texas.gov">samantha.duncan@tceq.texas.gov</a>.

Sincerely, Megan Hanultan

Megan Hamilton, Manager Enforcement Division

Texas Commission on Environmental Quality

MH/sd

Enclosures: Proposed Agreed Order, Return Envelope, Penalty Calculation Worksheet, Site

Compliance History

Charles W. Profilet Jr. Page 4 December 16, 2020

bcc:

Manager, Water Section, Beaumont Regional Office Ms. Samantha Duncan, Coordinator, Enforcement Division, MC 219 Central Records, MC 213, Building E, 1st Floor PWS\_2040008\_CP\_16122020\_Enforcement Enforcement Division Electronic Reader File

#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	<b>§</b>	
CONCERNING	§	TEXAS COMMISSION ON
MONARCH UTILITIES I, L.P.	§	
RN102318532	§	ENVIRONMENTAL QUALITY

#### AGREED ORDER DOCKET NO. 2020-1182-PWS-E

#### I. JURISDICTION AND STIPULATIONS

On	, the Texas Commission on Environmental Quality ("the
Commission" or "TCEQ") c	onsidered this agreement of the parties, resolving an enforcement
action regarding Monarch	Jtilities I, L.P. (the "Respondent") under the authority of Tex.
HEALTH & SAFETY CODE ch.	341. The Executive Director of the TCEQ, through the Enforcement
Division, and the Responde	ent together stipulate that:

- 1. The Respondent owns and operates a public water supply located at 31 Governors Wood Drive in Point Blank, San Jacinto County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 157 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).
- The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to Tex. Water Code § 7.002 and Tex. Health & Safety Code § 341.049, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to Tex. Water Code § 5.013 and Tex. Health & Safety Code § 341.031 because it alleges violations of Tex. Health & Safety Code ch. 341 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 \$150 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$120 of the penalty and \$30 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 August 3, 2020, an investigator documented that the Respondent 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, in violation of 30 Tex. Admin. Code § 290.39(j) and Tex. Health & Safety Code § 341.0351. Specifically, a 5,000-gallon pressure tank was replaced with two 62-gallon bladder tanks without approval.

#### 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: Monarch Utilities I, L.P., Docket No. 2020-1182-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 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 and treatment, including but not limited to the addition of two 62-gallon bladder tanks, 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.

- b. Within 195 days after the effective date of this Order, submit written certification as described in Order Provision No. 2.d below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Order Provision No. 2.a.
- c. 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.
- d. 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.c. 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."

Monarch Utilities I, L.P. DOCKET NO. 2020-1182-PWS-E Page 4

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 Beaumont Regional Office Texas Commission on Environmental Quality 3870 Eastex Freeway Beaumont, Texas 77703-1830

- 3. All relief not expressly granted in this Order is denied.
- 4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
- 5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
- 6. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively,

Monarch Utilities I, L.P. DOCKET NO. 2020-1182-PWS-E Page 5

the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under Tex. Bus. Org. Code § 1.002.

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

## **SIGNATURE PAGE**

#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	Date
For the Executive Director	Date
the attached Order, and I do agree to the term	d the attached Order. I am authorized to agree to ns and conditions specified therein. I further ment for the penalty amount, is materially relying
I also understand that failure to comply with and/or failure to timely pay the penalty amou	
<ul> <li>additional penalties, and/or attorney fe</li> <li>Increased penalties in any future enforce</li> </ul>	ons submitted; neral's Office for contempt, injunctive relief, es, or to a collection agency; cement actions; eral's Office of any future enforcement actions; and
In addition, any falsification of any complian	ce documents may result in criminal prosecution.
Signature	Date
Name (Printed or typed) Authorized Representative of Monarch Utilities I, L.P.	Title
☐ <i>If mailing address has changed, please changed</i>	heck this box and provide the new address below:

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 29, 2022

Mr. Jeffrey McIntyre, President Texas Water Services Group, LLC, General Partner Texas Water Utilities, L.P. 12535 Reed Road Sugar Land, Texas 77478

Re: Proposed Agreed Order

Texas Water Utilities, L.P.

RN101255818; Public Water Supply ID No. 1580063

Docket No. 2022-0888-PWS-E; Enforcement Case No. 62648

FOR SETTLEMENT PURPOSES ONLY

Dear Mr. McIntyre:

The Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ") is pursuing an enforcement action against Texas Water Utilities, L.P. for violations of the Texas Health & Safety Code and Commission Rules. These violations were discovered during a record review conducted on June 20, 2022 through July 8, 2022, and documented in a letter dated July 8, 2022, from the TCEQ Drinking Water Special Functions 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 \$3,375, 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 Texas Water Utilities, L.P. 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 Texas Water Utilities, L.P., Docket No. 2022-0888-PWS-E) to:

Mr. Jeffrey McIntyre August 29, 2022 Page 2

> 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 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

Mr. Jeffrey McIntyre August 29, 2022 Page 3

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.

For any questions or comments about this matter or to arrange a meeting, please contact Mr. Nick Lohret of my staff at (512) 239-4495 or nick,lohret@tceq.texas.gov.

Sincerely,

Megan Hamilton, Manager Enforcement Division

Texas Commission on Environmental Quality

MH/nl

Enclosures: Proposed Agreed Order, Return Envelope, Penalty Calculation Worksheet,

Site Compliance History

cc: Mr. Chuck Barry, EHS Manager, Texas Water Utilities, L.P., 1620 Grand Avenue

Parkway Suite 140, Pflugerville, Texas 78660, tbarry@swwc.com

#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN \$ BEFORE THE
ENFORCEMENT ACTION \$
CONCERNING \$ TEXAS COMMISSION ON
TEXAS WATER UTILITIES, L.P. \$
RN101255818 \$ ENVIRONMENTAL QUALITY

#### AGREED ORDER DOCKET NO. 2022-0888-PWS-E

On	, the Texas Commission on Environmental Quality ("the
Commission" or "TCEQ";	considered this agreement of the parties, resolving an enforcement
action regarding Texas \	Vater Utilities, L.P. (the "Respondent") under the authority of TEX.
Health & Safety Code ch	. 341. The Executive Director of the TCEQ, through the Enforcement
Division, and the Respoi	ndent 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 approximately 500 feet east of the intersection of Dogwood Trail and Mims Chapel Road near Avinger, Marion County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 95 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 a record review for the Facility conducted on June 20, 2022 through July 8, 2022, an investigator documented that the locational running annual average concentrations of total trihalomethanes ("TTHM") for Stage 2 Disinfection Byproducts at Site 1 were 0.101 milligrams per liter ("mg/L") for the fourth quarter of 2021, 0.129 mg/L for the first quarter of 2022, and 0.129 mg/L for the second quarter of 2022.

#### II. CONCLUSIONS OF LAW

- 1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to Tex. Health & Safety Code ch. 341 and the rules of the TCEQ.
- 2. As evidenced by Finding of Fact No. 2, the Respondent failed to comply with the maximum contaminant level ("MCL") of 0.080 mg/L for TTHM, based on the locational running annual average, in violation of 30 Tex. ADMIN. CODE § 290.115(f)(1) and Tex. HEALTH & SAFETY CODE § 341.0315(c).
- 3. Pursuant to Tex. Health & Safety Code § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
- 4. An administrative penalty in the amount of \$3,375 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 \$3,375 penalty.

#### III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Texas Water Utilities, L.P., Docket No. 2022-0888-PWS-E" to:

Financial Administration Division, Revenue Operations Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The Respondent shall undertake the following technical requirements:
  - a. Within 365 days after the effective date of this Order, return to compliance with the MCL for TTHM, based on the locational running annual average, in accordance with 30 Tex. ADMIN. CODE § 290.115.
  - b. Within 380 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

Texas Water Utilities, L.P. DOCKET NO. 2022-0888-PWS-E Page 3

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

The certification shall be submitted to:

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

with a copy to:

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

- 3. All relief not expressly granted in this Order is denied.
- 4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
- 5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the 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

Texas Water Utilities, L.P. DOCKET NO. 2022-0888-PWS-E Page 4

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

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

Texas Water Utilities, L.P. DOCKET NO. 2022-0888-PWS-E Page 5

#### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENT.	'AL QUALITY
For the Commission	Date
For the Executive Director	Date
the attached Order, and I do agree to the	stand the attached Order. I am authorized to agree to e terms and conditions specified therein. I further g payment for the penalty amount, is materially relying
I also understand that failure to comply and/or failure to timely pay the penalty	with the Ordering Provisions, if any, in this Order amount, may result in:
<ul><li>and/or attorney fees, or to a collec</li><li>Increased penalties in any future e</li></ul>	plications submitted; r contempt, injunctive relief, additional penalties, ction agency; enforcement actions; any future enforcement actions; and
In addition, any falsification of any comp	pliance documents may result in criminal prosecution.
 Signature	Date
Name (Printed or typed) Authorized Representative of Texas Water Utilities, L.P.	Title

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



## Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Assigned 11-Jul-2022

PCW	19-Jul-2022   Screening 18-	-Jul-2022 EPA Due	30-Sep-2022		
RESPONDENT/FACILI	TV THEODMATION				
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Reg. Ent. Ref. No.			· · · · · · · · · · · · · · · · · · ·		
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	2022-0888-PWS-E		Order Type		
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Multi-Media		Enf.	Coordinator	-	
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Compliance in				(ais 2, 3, & 7	\$873
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	agreed order conta	ining a denial of liability.			
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	to at the property and a second second				
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Economic Bene	<b>fit</b>	0.0% Enhancement*		Subtotal 6	\$0
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	Subtotal by the Indicated percentage.	Encest School Total	Las Situação de Caracia.		
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PAYABLE PENALTY					\$3,375

Screening Date 18-Jul-2022 Docket No. 2022-0888-PWS-E

PCW

Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021

Respondent Texas Water Utilities, L.P.

Case ID No. 62648

Reg. Ent. Reference No. RN101255818

Media Public Water Supply

Enf. Coordinator Nick Lohret

#### **Compliance History Worksheet**

		Number	Adjust.
Written notices of violation ("NOVs") with same or similar violations as those in NOVs the current enforcement action (number of NOVs meeting criteria)		3	15%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	·. 0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Andtha	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	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 federal government environmental requirements	No	0%
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Equipment				0.00	\$0	\$0	\$0
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Supplies/Equipment		<u> </u>		0.00	\$0	\$0	\$0 \$0
Financial Assurance			<del></del>	0.00	\$0	\$0	\$0
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Notes for AVOIDED costs							
Approx. Cost of Compliance		\$5,000			TOTAL		\$713

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 CN602740706, RN101255818, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or CN602740706, Texas Water Utilities, L.P.

Rating: 2.03

Owner/Operator: Regulated Entity:

RN101255818, INDIAN HILLS HARBOR SUBDIVISION

Classification: NOT APPLICABLE

Classification: SATISFACTORY

Rating: N/A

**Complexity Points:** 

N/A

Repeat Violator:

CH Group:

14 - Other

Location:

APPROXIMATELY 500 FEET EAST OF THE INTERSECTION OF DOGWOOD TRAIL AND MIMS CHAPEL ROAD NEAR

AVINGER, MARION COUNTY, TEXAS

TCEQ Region:

REGION 05 - TYLER

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1580063

**Compliance History Period:** 

September 01, 2016 to August 31, 2021

Rating Year: 2021

Rating Date:

09/01/2021

**Date Compliance History Report Prepared:** 

July 18, 2022

Agency Decision Requiring Compliance History:

Enforcement

Component Period Selected:

July 18, 2017 to July 18, 2022

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

Name: Nick Lohret

Phone: (512) 239-2545

#### 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:

Effective Date: 11/05/2019

ADMINORDER 2019-0429-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Major

30 TAC Chapter 290, SubChapter D 290.39(j)(1)(A)

5A THSC Chapter 341, SubChapter A 341.0351

Description: Failure to notify the Executive Director and receive approval prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance capacity. Specifically, the pressure tank was removed and two service pumps were replaced which resulted in a significant decrease in the Facility's pressure tank capacity and service pump capacity without prior approval.

Classification: Major

Citation:

30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iv)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Fallure to provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection. Specifically, the Facility had 92 connections requiring an elevated storage capacity of 9,200 gallons or a pressure tank capacity of 1,840 gallons. However, the Facility did not have either an elevated storage capacity or pressure tank capacity, indicating a 100% deficiency.

#### **Criminal convictions:**

N/A

#### Chronic excessive emissions events:

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

November 16, 2021

(1773688)

Item 2

April 04, 2022

(1797644)

#### 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: 01/21/2022

(1825529)

Self Report?

NO

Citation:

30 TAC Chapter 290, SubChapter F 290.115(f)(1)

Description:

TTHM LRAA MCL 4Q2021 - During the 4th quarter of 2021 the system violated the

maximum contaminant level for trihalomethanes with a LRAA of 0.101 mg/L at Eagle

Classification:

Classification:

Moderate

Moderate

Moderate

BLF 2 MI Off Jasmine, Avinger (DBP2-01). ETT Point Value = 5

2

Date:

04/21/2022

(1825529)

Self Report?

Classification:

30 TAC Chapter 290, SubChapter F 290.115(f)(1)

Citation: Description:

TTHM LRAA MCL 1Q2022 - During the 1st quarter of 2022 the system violated the

maximum contaminant level for trihalomethanes with a LRAA of 0.157 mg/L at Eagle

BLF 2 MI Off Jasmine, Avinger (DBP2-01). ETT Point Value = 5

3

Date:

06/14/2022

(1825529)

Self Report?

30 TAC Chapter 290, SubChapter F 290,115(f)(1)

Citation: Description:

TTHM LRAA MCL 2Q2022 - During the 2nd quarter of 2022 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.129 mg/L at Eagle

BLF 2 MI Off Jasmine, Avinger (DBP2-01). ETT Point Value = 5

#### **Environmental audits:**

N/A

#### G. Type of environmental management systems (EMSs):

#### H. Voluntary on-site compliance assessment dates:

#### I. Participation in a voluntary pollution reduction program:

N/A

#### Early compliance:

#### Sites Outside of Texas:

N/A

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

May 3, 2022

Mr. Jeffrey McIntyre, President Texas Water Services Group, LLC 12535 Reed Road Sugar Land, Texas 77478

Re:

Proposed Agreed Order

Monarch Utilities I L.P.; RN103015350; TPDES Permit No. WQ0014056001

Docket No. 2022-0430-MWD-E; Enforcement Case No. 62207

FOR SETTLEMENT PURPOSES ONLY

Dear Mr. McIntyre:

The Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ") is pursuing an enforcement action against Monarch Utilities I L.P. for violations of the Texas Water Code and Commission Rules. These violations were discovered during a record review conducted on February 1, 2022, and documented in a letter dated April 4, 2022, 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 \$43,875, 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 Monarch Utilities I L.P. 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 Monarch Utilities I L.P., Docket No. 2022-0430-MWD-E) to:

Mr. Jeffrey McIntyre Page 2 May 3, 2022

> 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 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

Mr. Jeffrey McIntyre Page 3 May 3, 2022

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.

For any questions or comments about this matter or to arrange a meeting, please contact Ms. Harley Hobson of my staff at (512) 239-1337 or <a href="https://harley.Hobson@tceq.texas.gov">Harley.Hobson@tceq.texas.gov</a>.

Sincerely,

Kristy Deaver, Manager Enforcement Division

Texas Commission on Environmental Quality

KD/hh

Enclosures: Proposed Agreed Order, Return Envelope, Penalty Calculation Worksheet,

Site Compliance History, Effluent Violation Table

cc: Mr. Theodore Barry, EHS Manager, Monarch Utilities I L.P., 1620 Grand Avenue

Parkway, Suite 140, Pflugerville, Texas 78660

Mr. Jeffrey McIntyre Page 4 May 3, 2022

Manager, Water Section, Beaumont Regional Office bcc:

Ms. Harley Hobson, Coordinator, Enforcement Division, MC 219 Central Records, MC 213, Building E, 1st Floor MWD\_WQ0014056001\_CP\_20220503\_Proposed Agreed Order

Enforcement Division Electronic Reader File

#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN \$ ENFORCEMENT ACTION \$ CONCERNING \$ MONARCH UTILITIES I L.P. \$ RN103015350 \$

BEFORE THE

TEXAS COMMISSION ON

**ENVIRONMENTAL QUALITY** 

## AGREED ORDER DOCKET NO. 2022-0430-MWD-E

On	, the Texas Commission on Environmental Quality ("the
Commission" or "TCEQ")	considered this agreement of the parties, resolving an enforcement
action regarding Monarch	Utilities I L.P. (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 presente	d 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 wastewater treatment facility located approximately 0.4 mile northwest of the intersection of State Highway 190 crossing over the Trinity River and approximately 2.5 miles northeast of the intersection of State Highway 190 and Farm-to-Market Road 980 in San Jacinto 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. During a record review conducted on February 1, 2022, an investigator documented that the Respondent did not to comply with permitted effluent limitations, as shown in the effluent violation table below:

	Effluent Violation Table						
	Flow Daily Average	Ammonia Nitrogen Daily Average Concentration	Ammonia Nitrogen Single Grab Concentration	Ammonia Nitrogen Daily Average Loading			
Monitoring Period	Limit = 0.05 MGD	Limit = 3 mg/L	Limit = 15 mg/L	Limit = 1.3 lbs/day			
May 2021	0.069	С	С	С			
July 2021	С	4.1	С	С			
September 2021	c	14.78	21.3	4.46			
October 2021	0.058	9.89	18.8	3.81			
November 2021	С	4.81	С	1.59			
December 2021	С	8.22	17	2.07			

c = compliant MGD = million gallons per day mg/L = milligrams per liter lbs/day = pounds per day

#### 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. WATER CODE ch. 26 and the rules of the TCEQ.
- 2. As evidenced by Finding of Fact No. 1, 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. WQ0014056001, Final Effluent Limitations and Monitoring Requirements No. 1.
- 3. Pursuant to Tex. Water Code § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
- 4. An administrative penalty in the amount of \$43,875 is justified by the facts recited in this Order, and considered in light of the factors set forth in Tex. WATER CODE § 7.053. The Respondent paid the \$43,875 penalty.

#### III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the

Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Monarch Utilities I L.P., Docket No. 2022-0430-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 130 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0014056001, 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, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. 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:

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

with a copy to:

Water Section Manager Beaumont Regional Office Texas Commission on Environmental Quality 3870 Eastex Freeway Beaumont, Texas 77703-1830

3. All relief not expressly granted in this Order is denied.

- 4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
- 5. 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. 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.
- 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.
- 9. 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.
- 10. 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.

11. 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 te	nd the attached Order. I am authorized to agree to rms and conditions specified therein. I further syment for the penalty amount, is materially relying
I also understand that failure to comply wit and/or failure to timely pay the penalty am	h the Ordering Provisions, if any, in this Order ount, may result in:
<ul> <li>A negative impact on compliance histers.</li> <li>Greater scrutiny of any permit applicated.</li> <li>Referral of this case to the OAG for compliance and/or attorney fees, or to a collection.</li> <li>Increased penalties in any future enformatic referral to the OAG of any structure.</li> <li>TCEQ seeking other relief as authorized.</li> </ul>	ations submitted; Interport, injunctive relief, additional penalties, In agency; In agen
In addition, any falsification of any complia	nce documents may result in criminal prosecution.
Signature	Date
Name (Printed or typed) Authorized Representative of Monarch Utilities I L.P.	Title
☐ If mailing address has changed, please c	heck this box and provide the new address below:

#### Monarch Utilities I L.P. Docket No. 2022-0430-MWD-E TPDES Permit No. WQ0014056001

Case No. 62207

Lttl-	ent Vio	1	777 7 7
P. L. L. H. L.	eni vio	และเดท	Lanie

Littuent violation rable					
	Average Daily Average Single G		Ammonia Nitrogen Single Grab Concentration	Ammonia Nitrogen Daily Average Loading	
Monitoring Period	Limit = 0.05 MGD	Limit = 3 mg/L	Limit = 15 mg/L	Limit = 1.3 lbs/day	
May 2021	0.069	С	С	С	
July 2021	С	4.1	С	C	
September 2021	С	14.78	21.3	4.46	
October 2021	0.058	9.89	18.8	3.81	
November 2021	С	4.81	С	1.59	
December 2021	С	8.22	17	2.07	
0 0	ampliant MCD	million mallous a service	1/T •11•		

c = compliant MGD = million gallons per day mg/L = milligrams per liter lbs/day = pounds per day



## Penalty Calculation Worksheet (PCW) Policy Revision 5 (January 28, 2021)

			, 22, 202.
	d 11-Apr-2022	•	
PC	V 13-Apr-2022 Screening 13-Apr-2022 EPA Due		
RESPONDENT/FACI	TTV INFORMATION		
Responder	Monarch Utilities I L.P.		
Reg. Ent. Ref. No	RN103015350		
Facility/Site Regio		Minor	
		<u> </u>	
CASE INFORMATION			
Enf./Case ID No	110701110110110		15560
	. 2022-0430-MWD-E Order Type		
Media Program(s			
Multi-Medi		Harley Hobson	
Admin Donallo		Enforcement Te	am 3
Admin. Penalty \$	Limit Minimum \$0   Maximum   \$25,000		
	Donalty Calaulatian Canting		
	Penalty Calculation Section		
TOTAL BASE PEN	ALTY (Sum of violation base penalties)	Subtotal 1	\$32,500
		<u></u>	
ADJUSTMENTS (-	/-) TO SUBTOTAL 1	g g	
Compliance H	btained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		444 888
combugues u	istory 35.0% Adjustment Subtot	als 2, 3, & 7	\$11,375
Note:	Enhancement for seven months of self-reported effluent violations.		
11000.	Emandement for seven months of sen reported emache violations.		
		_	
Culpability	No 0.0% Enhancement	Subtotal 4	\$0
Noto	The Despendent does not most the subschiller without		
Notes	The Respondent does not meet the culpability criteria.		
Good Faith Ef	ort to Comply Total Adjustments	Subtotal 5	\$0
Farmania Dan	-61		
Economic Ben	### ### ##############################	Subtotal 6	\$0
Estimate	Cost of Compliance #NAME?		
SUM OF SUBTOTA	S 1-7 Fir	nal Subtotal	\$43,875
		N 10-0000 0 10 00 00 0	
OTHER FACTORS	AS JUSTICE MAY REQUIRE 0.0%	Adjustment	\$0
teduces or enhances the Fina	Subtotal by the indicated percentage.	-	
Notes			
	Final Pena	Ity Amount	\$43,875
TATUTODY LTMAT	ADJUCTMENT	·	
STATUTORY LIMIT	ADJUSTMENT Final Assess	sed Penalty	\$43,875
NEEEDD A L			
DEFERRAL		djustment	\$0
educes the Fillal Assessed Pe	nalty by the indicated percentage.		on the state of th
Notes	No deferral is recommended for Findings Orders.		
Mores	No deterral is recommended for rindings orders.		and the second s
ι			
AYABLE PENALTY		T	¢42 07E
AIADLL PENALII			\$43,875

Case ID No. Reg. Ent. Reference No.	Monarch Utilities I L.P.  62207  RN103015350  Water Quality  Harley Hobson	PGW evision 5 (January 28, 2021) / Revision February 11, 2021
Violation Description	Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.	
	Base Penalty	\$25,000
>> Environmental, Prope  Release OR Actual Potential  >> Programmatic Matrix Falsification		
Matrix discharged ar Notes health or	fied model was used to evaluate ammonia nitrogen to determine whether the nounts of pollutants exceeded protective levels. Flow was also considered. Human the environment has been exposed to pollutants which exceed levels that are tive of human health or environmental receptors as a result of the violation.	
	Adjustment \$12,500	412 500
Violation Events  Number of \	/iolation Events 2 61 Number of violation days	\$12,500
	daily weekly monthly X quarterly semiannual annual single event	\$25,000
Two mont	hly events are recommended for the months of September and October 2021.	
Good Faith Efforts to Com	Ply 0.0% Reduction  Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer  Extraordinary Ordinary N/A X  The Respondent does not meet the good faith criteria for this violation.	\$0
Economic Benefit (EB) for	Violation Subtotal Statutory Limit Test	\$25,000
	ed EB Amount \$1,284 Violation Final Penalty Total	\$33,750
	This violation Final Assessed Penalty (adjusted for limits)	\$33,750

	Sci	eening Date			Į.	Docket	No. 2022-0430-MV	VD-E	PCW
		Respondent Case ID No.		ties I L.P.					Revision 5 (January 28, 2021
Reg.	Ent. Re	eference No.		n				PC	W Revision February 11, 202
		Media	Water Quality	у					
		Coordinator	Harley Hobso	in					
	Vic	lation Number Rule Cite(s)	2	<u></u>					7)
		Rule Cite(s)			01, Final Efflu		r Code § 26.121(a)(i ations and Monitoring		
	Violati	on Description	Failed to (	comply with p		uent limit violation t	ations, as shown in t table.	he attached	
								Base Penalty	\$25,000
>> Env	/ironme	ental, Proper	ty and Hu		th Matrix	Transportant Antiboditant			
	1	Release	Major	Harm Moderate	Minor				
OR		Actual Potential	110,01	Tiodorace	X		Percent 15	.0%	
>>Proc	gramm	atic Matrix							
		Falsification	Major	Moderate	Minor	]	Percent 0	.0%	
								····	
	Matrix Notes	amounts of polenvironment ha	llutants excee is been expos	ded protectived to insignif	e levels. Flov ficant amounts	w was also	determine whether the considered. Humar tants that do not excors as a result of the v	n health or the eed levels that	
	TENTENS.		CTETARE NURSERVER		Karantan maja	(j. 15. MU (S)(1	Adjustment	\$21,250	
والمنفذ الثان المشارات	e germana en germana			o, illus falkat i ibalikate		Laid a Palika	Adjustificite	Ψ21,230	
								I	\$3,750
Violatio	n Even	ts							
		Number of Vi	olation Events	2		123	Number of viola	tion days	
		100 mg	daily weekly monthly quarterly semiannual annual single event	X			Violation !	Base Penalty[	\$7,500
		Two quarterly	/ events are r		d for the quar		aining the months of	May, July,	
Good Fa	ith Effo	rts to Compl	y .	0.0%		5.1384		Reduction	\$0
		in the second	8 xtraordinary	efore NOE/NOV	NOE/NOV to E	DPRP/Settle	ement Offer		*
			Ordinary	-	1		<b>=</b>		
	**		N/A	X					
			Notes	The Respond		meet the	e good faith criteria f	or	
							Violat	ion Subtotal	\$7,500
Economi	c Benei	fit (EB) for th	nis violatio	<b>n</b> -, 1341 (			Statutory Lin	nit Test	
		Estimated	EB Amount		\$0		Violation Final P	enalty Total	\$10,125
				This vio	lation Final	Assesse	d Penalty (adjuste	d for limits)	\$10,125

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



## Compliance History Report

LAKE LIVINGSTON

Compliance History Report for CN602740706, RN103015350, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, CN602740706, Monarch Utilities I L.P.

Classification: SATISFACTORY

Rating: 1.94

or Owner/Operator: Regulated Entity:

RN103015350, HOLIDAY VILLAGES OF

Classification: SATISFACTORY

Rating: 3.05

**Complexity Points:** 

Repeat Violator: NO

CH Group:

08 - Sewage Treatment Facilities

Location:

Approximately 0.4 mile northwest of the intersection of State Highway 190 crossing over the Trinity River and

approximately 2.5 miles northeast of the intersection of State Highway 190 and Farm-to-Market Road 980 in

San Jacinto County, Texas

TCEQ Region:

**REGION 10 - BEAUMONT** 

ID Number(s):

WASTEWATER PERMIT WO0014056001

WASTEWATER EPA ID TX0117331

Compliance History Period: September 01, 2016 to August 31, 2021

Rating Year: 2021

Rating Date: 09/01/2021

Date Compliance History Report Prepared: April 13, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 13, 2017 to April 13, 2022

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

Name: Harley Hobson

Phone: (512) 239-1337

#### Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five-year compliance period?

YES

2) Has there been a (known) change in ownership/operator of the site during the compliance period?

NO

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

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

Criminal convictions:

N/A

Chronic excessive emissions events:

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

April 18, 2017	(1419348)	Item 17	October 19, 2018	(1535287)
June 20, 2017	(1432981)	Item 18	November 17, 2018	(1543144)
July 14, 2017	(1441547)	Item 19	December 20, 2018	(1546880)
September 29, 2017	(1445229)	Item 20	March 20, 2019	(1564767)
October 20, 2017	(1457680)	Item 21	April 18, 2019	(1573520)
November 20, 2017	(1463118)	Item 22	May 20, 2019	(1586633)
December 19, 2017	(1469546)	Item 23	June 20, 2019	(1586634)
January 19, 2018	(1476251)	Item 24	July 19, 2019	(1594861)
February 16, 2018	(1488413)	Item 25	1.5	(1608073)
April 11, 2018	(1492091)	Item 26	October 18, 2019	(1614939)
April 20, 2018	(1495374)	Item 27	November 21, 2019	(1620727)
May 18, 2018	(1502307)	Item 28	December 19, 2019	(1628076)
June 20, 2018	(1509420)	Item 29	January 20, 2020	(1635706)
July 19, 2018	(1515745)	Item 30		(1642321)
September 20, 2018	(1528965)	Item 31		(1648831)
September 28, 2018	(1521776)	Item 32	April 19, 2020	(1655186)
	June 20, 2017 July 14, 2017 September 29, 2017 October 20, 2017 November 20, 2017 December 19, 2017 January 19, 2018 February 16, 2018 April 11, 2018 April 20, 2018 May 18, 2018 June 20, 2018 July 19, 2018 September 20, 2018	June 20, 2017 (1432981) July 14, 2017 (1441547) September 29, 2017 (1445229) October 20, 2017 (1457680) November 20, 2017 (1463118) December 19, 2017 (1469546) January 19, 2018 (1476251) February 16, 2018 (1488413) April 11, 2018 (1492091) April 20, 2018 (1495374) May 18, 2018 (1502307) June 20, 2018 (1509420) July 19, 2018 (1515745) September 20, 2018 (1528965)	June 20, 2017 (1432981) Item 18 July 14, 2017 (1441547) Item 19 September 29, 2017 (1445229) Item 20 October 20, 2017 (1457680) Item 21 November 20, 2017 (1463118) Item 22 December 19, 2017 (1469546) Item 23 January 19, 2018 (1476251) Item 24 February 16, 2018 (1488413) Item 25 April 11, 2018 (1492091) Item 26 April 20, 2018 (1495374) Item 27 May 18, 2018 (1502307) Item 28 June 20, 2018 (1509420) Item 29 July 19, 2018 (1515745) Item 30 September 20, 2018 (1528965) Item 31	June 20, 2017 (1432981) Item 18 November 17, 2018 July 14, 2017 (1441547) Item 19 December 20, 2018 September 29, 2017 (1445229) Item 20 March 20, 2019 October 20, 2017 (1457680) Item 21 April 18, 2019 November 20, 2017 (1463118) Item 22 May 20, 2019 December 19, 2017 (1469546) Item 23 June 20, 2019 January 19, 2018 (1476251) Item 24 July 19, 2019 February 16, 2018 (1488413) Item 25 September 20, 2019 April 11, 2018 (1492091) Item 26 October 18, 2019 April 20, 2018 (1495374) Item 27 November 21, 2019 May 18, 2018 (1502307) Item 28 December 19, 2019 June 20, 2018 (1509420) Item 29 January 20, 2020 July 19, 2018 (1515745) Item 30 February 20, 2020 September 20, 2018 (1528965) Item 31 March 18, 2020

#### **Component Appendices**

#### Appendix A

#### All NOVs Issued During Component Period 4/13/2017 and 4/13/2022

1 Date: 04/30/2017 (1426988)

Self Report? YES

Citation:

Moderate

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: 08/31/2017 (1451818)

Self Report?

Classification:

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: 01/05/2018 (1459175)

> Self Report? NO

Classification:

Moderate

Citation:

PC Pg. 10, No. 2(g) PERMIT

Description:

Failure by Monarch Holiday Villages to prevent Unauthorized Discharges (UDs) into or adjacent to the waters of the state at any location not permitted as an

outfall.

Date: 12/31/2018 (1564768)

> Self Report? YES

Classification:

Classification:

Moderate

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

5 Date: 01/31/2019 (1564766)

> Self Report? YES

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

6 Date: 06/28/2019 (1576332)

> Self Report? NO

Classification:

Citation:

PC Pg. 10, No. 2(g) PERMIT

Description:

Failure by Monarch Utilities Holiday Villages of Lake Livingston (Monarch) to prevent an Unauthorized Discharges (UD) into or adjacent to the waters of the

state at any location not permitted as an outfall.

Self Report?

Classification:

Moderate

Moderate

Citation:

MRR, Pg. 7, No. 7(a) PERMIT

Description: Failure by Monarch Utilities Holiday Villages of Lake Livingston (Monarch) to report

an unauthorized discharge (UD) to the TCEO Regional Office and Enforcement Division (MC224) within five days after becoming aware of the non-compliance.

Date: 07/31/2019 (1601160)

Self Report? YES

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

Description:

Failure to meet the limit for one or more permit parameter

14 Date:

12/31/2021

(1800148)

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

15

Date:

01/31/2022

(1807978)

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

#### Appendix B All Investigations Conducted During Component Period April 13, 2017 and April 13, 2022

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<sup>\*</sup> NOVs applicable for the Compliance History rating period 9/1/2016 to 8/31/2021

# Attachment 15 - Transferee vs Transferor Rates & Average Bills

#### **WATER**

	Texas Water Utilities	Hornsby Bend
base	48.37	47.03
0-2kgal	6.48	7.18
2-3kgal	7.98	7.18
3-10kgal	7.98	7.18
10-15kgal	9.05	7.18
15-20kgal	9.05	7.18
>20kgal	9.64	7.18

bill @ 5kgal*	85.27	82.93
bill @ 10kgal*	125.17	118.83

<sup>\*</sup>excludes passthroughs, surcharges, etc

#### **WASTEWATER**

	Texas Water Utilities	Hornsby Bend
base	68.52	45.42
usage (kgal)*	2.39	7.20

bill @ 5kgal*	80.47	81.42
bill @ 10kgal*	92.42	117.42

<sup>\*</sup>excludes passthroughs, surcharges, etc

## **Attachment 16 - TCEQ Compliance Correspondence**

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



#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 18, 2019

## CERTIFIED MAIL 9489 0090 0027 6008 7014 88 RETURN RECEIPT REQUESTED

Tim Williford, Senior Environmental Health and Safety Manager SouthWest Water Company 1620 Grand Avenue Parkway, Suite 140 Pflugerville, Texas 78660

Re:

Notice of Violation for Wastewater Compliance Evaluation Investigation at:

Austin's Colony Wastewater Treatment Facility 14517 Lippincott Street, Austin, Travis County

Regulated Entity No.: RN101526226, TCEQ ID No.: WQ0013138001, EPA ID No.:

TX0098612

Dear Mr. Williford,

On November 09, 2018 and November 20, 2018, Michael Beatty of the Texas Commission on Environmental Quality (TCEQ) Austin Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for wastewater treatment. Enclosed is a summary which lists the investigation findings. During the investigation, concerns were noted which were an alleged noncompliances. Based on the information you have provided, the TCEQ has adequate documentation to resolve the alleged violation. Therefore, no further action is required. Additionally, self-reported effluent violations may be subject to formal enforcement, including penalties, upon review by the Enforcement Division.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <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 Austin Region Office at (512) 339-2929 or the Central Office Publications Ordering Team at 512-239-0028. Copies of applicable federal regulations may be obtained by calling Environmental Protection Agency's Publications at 800-490-9198.

Tim Williford Page 2 January 18, 2019

The TCEQ appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions regarding these matters, please feel free to contact Mr. Michael Beatty in the Austin Region Office at (512) 239-5118.

Sincerely,

Shawn Stewart, Water Program Manager

**Austin Region Office** 

Texas Commission on Environmental Quality

SS/mb

Enclosure: Summary of Investigation Findings

### **Summary of Investigation Findings**

**AUSTINS COLONY WWTP** 

Investigation #

1537533 Investigation Date: 11/09/2018

, TRAVIS COUNTY,

Additional ID(s):

WQ0013138001

TX0098612

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

Track No: 701431

2D TWC Chapter 26.121(a)(1) 30 TAC Chapter 305.125(1)

#### Alleged Violation:

Investigation: 1537533

Comment Date: 12/28/2018

Failed to prevent unauthorized discharges. One unauthorized discharges was reported between November 2016 through September 2018.

(1) On February 10, 2018, 500 gallons of sewage discharged at 3702 Sojourner Street due to a line blockage.

**Recommended Corrective Action:** Clean up spills, repair damaged pipe, unclog sewer lines, and report on actions taken to prevent a recurrence.

**Resolution:** Adequate compliance documentation was received for the unauthorized discharge that described the dates, volume, location, cause, corrective actions and description.

#### **ADDITIONAL ISSUES**

#### Description

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

#### **Additional Comments**

The daily maximum E.coli limit of 399 MPN or cfu per 100 ml was exceeded in August 2017, November 2017, August 2018, and September 2018. The daily average E.coli limit of 126 MPN or cfu per 100 ml was exceeded in August 2017, August 2018, and September 2018.

The daily average flow limit of 0.5 MGD was exceeded in January 2018.

The daily maximum for total ammonia nitrogen limit of 10 mg per liter was exceeded in August 2018. The daily average for total ammonia nitrogen limit of 2 mg per liter was exceeded in July 2018, August 2018, and September 2018. The daily average for total ammonia nitrogen limit of 15 lbs per day was exceeded in August 2018 and September 2018.

Self-reported effluent may be subject to enforcement, including penalties, upon review by Enforcement Division.

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

July 2, 2021

Mr. Tim Williford, Environmental Health and Safety Manager SWWC Utilities, Inc. 1620 Grande Avenue Parkway, Ste. 140 Pflugerville, Texas 78660

Re:

Compliance Evaluation Investigation at:

Austin's Colony Wastewater Treatment Plant, 14517 Lippincott Street, Travis County,

Texas; Investigation No. 1736528

Dear Mr. Williford:

On March 30, 2021, Michael Tucker of the Texas Commission on Environmental Quality (TCEQ) Austin Region Office conducted an investigation of the above-referenced facility to evaluate compliance with applicable requirements for water quality. No violations are being alleged as a result of the investigation.

The TCEQ appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions regarding these matters, please feel free to contact Mr. Michael Tucker in the Austin Region Office at (512) 239-7095.

Sincerely,

Shawn Stewart

Chad Ahlgren

Water Section Manager

Austin Region Office

SS/mwt

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 24, 2022

### CERTIFIED MAIL 9489 0090 0027 6003 3356 02 RETURN RECEIPT REQUESTED

Mr. Chuck Barry, EHS Manager SWWC Utilities Inc 1620 Grand Avenue Parkway, Suite 140 Pflugerville, Texas 78660

Re: Notice of Violation for Comprehensive Compliance Investigation at:

Austin's Colony Public Water System (PWS) – Travis County RN:102678703; PWS ID No. 2270255; Investigation No. 1832179

Dear Mr. Barry:

On July 29, 2022, Devon Thomas and Jasmine Paredes of the Texas Commission on Environmental Quality (TCEQ) Austin Region Office conducted an investigation of the above-referenced Public Water System (PWS) to evaluate compliance with applicable requirements for Public Water Supply. Enclosed is a summary which lists the investigation findings. In addition, a certain alleged violation was identified for which compliance documentation is required. Please submit to this office by **October 24**, **2022**, a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding violation.

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.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 either the Austin Region Office at 512-339-2929 or the Central Office Publications Ordering Team at 512-239-0028.

The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. If you have additional information that we are unaware of, you have the opportunity to contest the violation documented in this notice. Should you choose to do so, you must notify the Austin Region Office within 10 days from the date of this letter. At that time, Mr. Shawn Stewart will schedule a violation review meeting to be conducted within 21 days of this letter.

Mr. Chuck Barry Page 2 August 24, 2022

However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the enclosed Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

If you or members of your staff have any questions, please feel free to contact Mr. Devon Thomas in the Austin Region Office at 512-339-2929.

Sincerely,

Chad Ahlgren

Water Work Leader Austin Region Office

CA/dt

**Enclosure: Summary of Investigation Findings** 

#### **Summary of Investigation Findings**

**AUSTINS COLONY** 

Investigation #

1832179 Investigation Date: 07/29/2022

, TRAVIS COUNTY,

Additional ID(s): 2270255

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

Track No: 822034 Compliance Due Date: 10/24/2022

30 TAC Chapter 290.46(m)(4)

**Alleged Violation:** 

Investigation: 1832179

Comment Date: 08/19/2022

Failure to keep all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids or leaks. Specifically, the tank and pumps at Pump Station No. 1, Austin's Colony Boulevard EST, Delta Post Road EST, Hunters Bend Road EST, and Well No. 3 were either actively leaking or rusted during the inspection.

Recommended Corrective Action: Submit compliance documentation to the TCEQ Austin Region Office on or before the compliance due date showing all leaks have been repaired or provide a corrective action plan detailing how the leaks will be repaired.

#### **ADDITIONAL ISSUES**

Description

**Additional Comments** 

Item #2

The system should ensure that failed Backflow Assemblies are repaired accordingly. One of the assembly reports appeared to have failed.

Item #3

A plant operations manual was provided but details

were unable to be reviewed.

Item #4

Certain tank inspections were incorrectly labeled. Specifically the Austins Colony and Hunter's Bend Elevated Storage Tank inspection forms were

labeled incorrectly.

Attachment 17 - Transferor TCEQ Permit Transfers (stamped cover pages only – additional portions of applications available upon request)

# TCEQ

#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

#### APPLICATION TO TRANSFER A WASTEWATER PERMIT OR CAFO PERMIT

If you have questions about completing this form please contact the Applications Review and Processing Team at 512-239-4671.

#### SECTION 1. CURRENT PERMIT INFORMATION

	İ
What is the Permit Number? <u>WQ0013138001</u>	RECEIVED
What is the EPA I.D. Number? TX <u>0098612</u>	JUL 25 2023
What is the Current Name on the Permit?	TCEO MAIL CENTER CJ
SWWC Utilities, Inc.	
What is the Customer Number (CN) for the current permittee? CN 603264	763
What is the Regulated Entity Reference Number (RN): RN <u>101526226</u>	
For Publicly Owned Treatment Works (POTWs) Only:	
a) Does this permit require implementation of an approved pretreatment	nt program by the
POTW? Yes $\square$ No $\square$	
b) Does this permit have a domestic reclaimed water authorization asso NOTE: The domestic reclaimed water authorization associated permit will be cancelled on the same date the transfer took instructions for more information. Yes □ No □	ted with this

#### SECTION 2. FACILITY OWNER (APPLICANT) INFORMATION

- **A.** What is the Legal Name of the facility owner? <u>Texas Water Utilities, L.P.</u>
- B. What is the Customer Number (CN) issued to this entity? CN 602740706
- C. Complete and attach a Core Data Form (TCEQ-10400) for this customer.

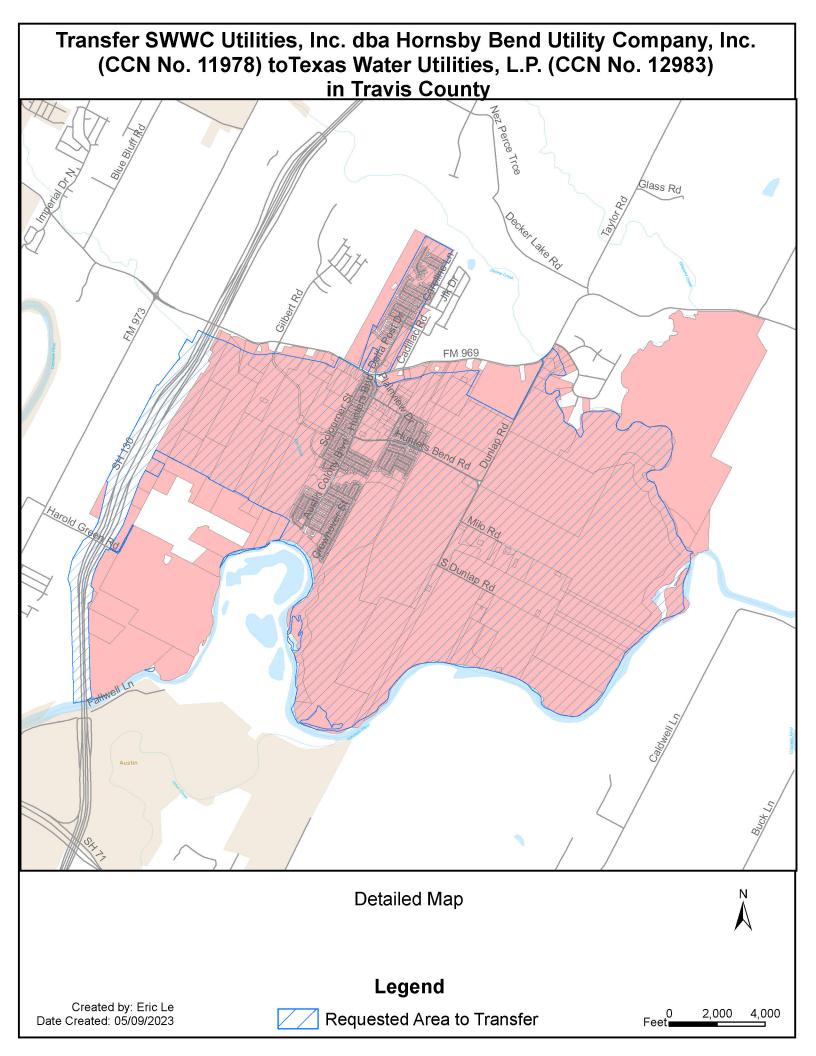
#### SECTION 3. CO-APPLICANT INFORMATION

Complete this section only if another person or entity is required to apply as a co-permittee.

A. What is the Legal Name of the co-applicant applying for this permit?

## Attachment 18 - Purchased Water Contracts (to be filed under CONFIDENTIAL seal)

## Attachment 19 – 25+ Acre Land Tract Identification and Maps



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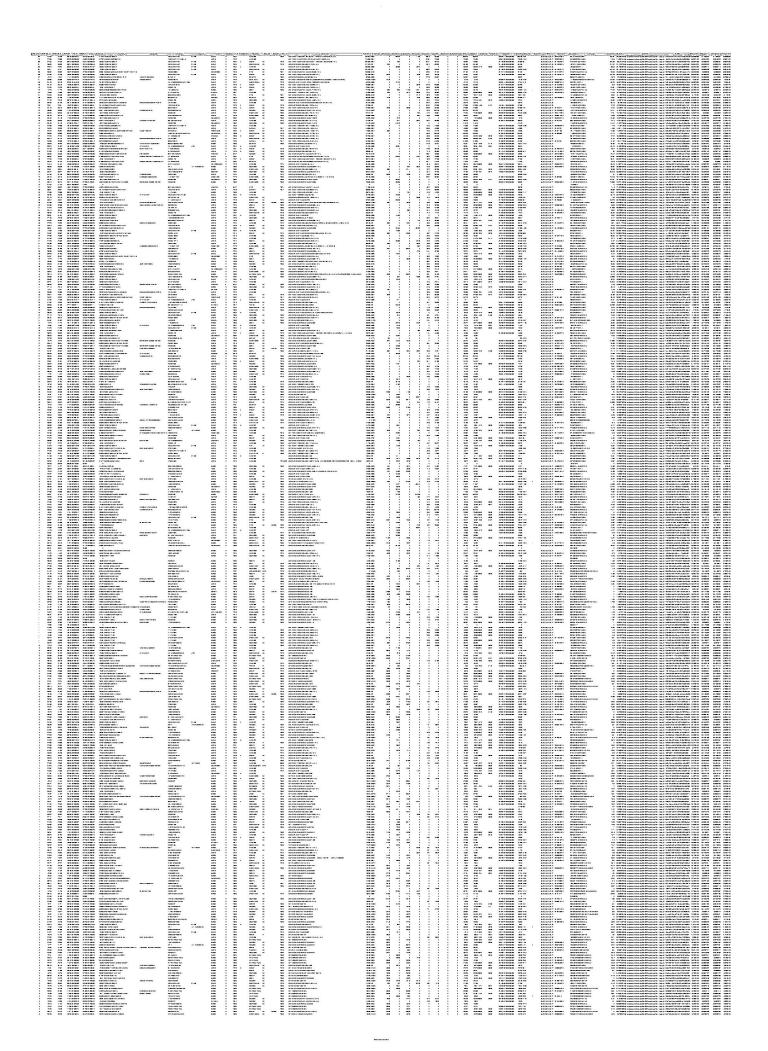
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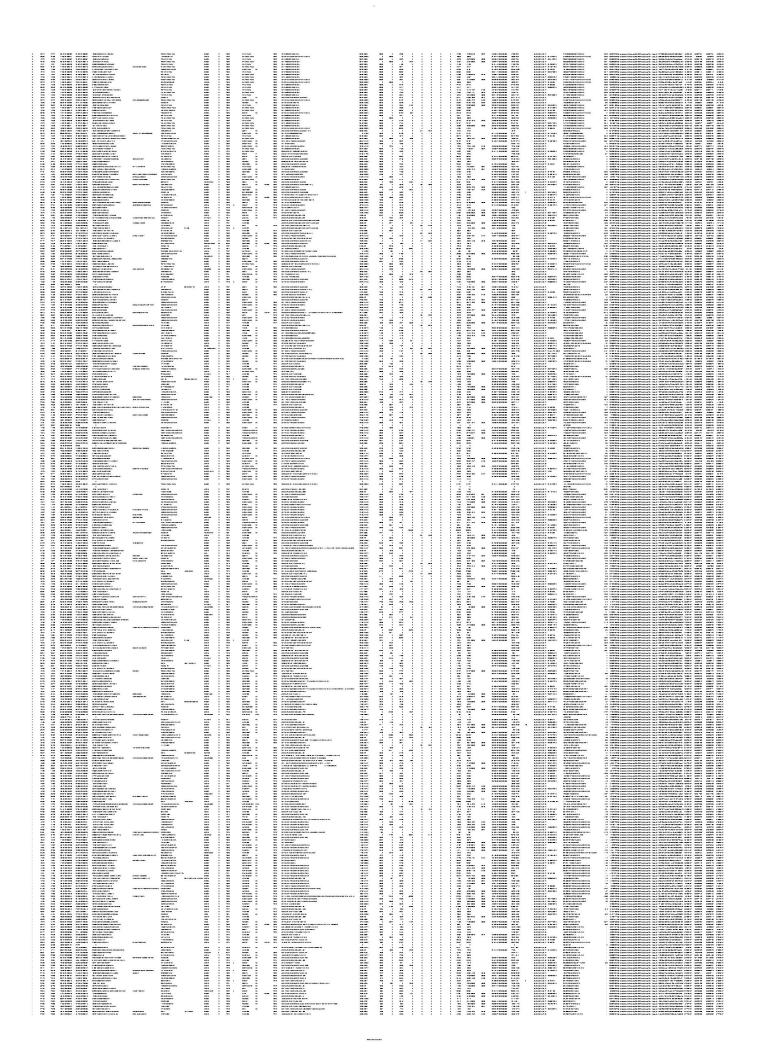
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