

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2007-0639-MWD-E **TCEQ ID:** RN102182664 **CASE NO.:** 33264
RESPONDENT NAME: San Antonio Water System

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Leon Creek Water Recycling Center Wastewater Treatment Facility, 1104 Mauermann, San Antonio, Bexar County</p> <p>TYPE OF OPERATION: Wastewater treatment facility</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on October 29, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Rebecca Clausewitz, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4012; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. David E. Chardavoyne, President and CEO, San Antonio Water System, P.O. Box 2449, San Antonio, Texas 78298-2449 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: March 12 through 14, 2007</p> <p>Date of NOV/NOE Relating to this Case: March 28, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation conducted pursuant to an emergency response call that the Commission received regarding a sewage line that had ruptured allowing untreated wastewater to spill into Huebner Creek. The total amount of sewage that was discharged from March 12, 2007 to March 15, 2007 was estimated to be approximately 3.6 million gallons.</p> <p>WATER</p> <p>Failed to prevent the unauthorized discharge of untreated wastewater [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit WQ0010137003, Permit Condition 2.g.].</p>	<p>Total Assessed: \$11,400</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$11,400</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: Environmental receptors have been exposed to pollutants which exceed levels that are protective.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that on March 15, 2007, the Respondent ceased all unauthorized discharges of untreated wastewater into Huebner Creek by repairing the broken sewage line and returning the sewage flow back into the collection system.</p>

Additional ID No(s): TPDES Permit WQ0010137003



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 19, 2007

TCEQ

DATES	Assigned	2-Apr-2007	Screening	17-Apr-2007	EPA Due	
	PCW	20-Apr-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	San Antonio Water System		
Reg. Ent. Ref. No.	RN102182664		
Facility/Site Region	13-San Antonio	Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	33264	No. of Violations	1	
Docket No.	2007-0639-MWD-E	Order Type	Findings	
Media Program(s)	Water Quality	Enf. Coordinator	Rebecca Clausewitz	
Multi-Media		EC's Team	EnforcementTeam 2	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$15,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	1% Enhancement	Subtotals 2, 3, & 7	\$150
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Notes: Penalty adjustment due to two prior Notices of Violation (NOVs) containing violations that are dissimilar to the violation in the current enforcement action.

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

Good Faith Effort to Comply	25% Reduction	Subtotal 5	\$3,750
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes: The Respondent returned to compliance on March 15, 2007.

Total EB Amounts	\$1,000	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$1,000	*Capped at the Total EB \$ Amount		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$11,400
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OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$11,400
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$11,400
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DEFERRAL	0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$11,400
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Screening Date 17-Apr-2007

Docket No. 2007-0639-MWD-E

PCW

Respondent San Antonio Water System

Policy Revision 2 (September 2002)

Case ID No. 33264

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102182664

Media [Statute] Water Quality

Enf. Coordinator Rebecca Clausewitz

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 1%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Penalty adjustment due to two prior Notices of Violation (NOVs) containing violations that are dissimilar to the violation in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 1%

Screening Date 17-Apr-2007

Docket No. 2007-0639-MWD-E

PCW

Respondent San Antonio Water System

Policy Revision 2 (September 2002)

Case ID No. 33264

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102182664

Media [Statute] Water Quality

Enf. Coordinator Rebecca Clausewitz

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and TPDES Permit WQ0010137003, Permit Condition 2.g.

Violation Description Failed to prevent the unauthorized discharge of approximately 3.6 million gallons of untreated wastewater into Huebner Creek from the San Antonio Water System's sewage line located in the 6500 block of Bandera Road, San Antonio, Bexar County, Texas.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	X			50%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes As a result of the unauthorized discharge, a significant amount of untreated wastewater was released into Huebner Creek which exceeded levels that are protective of human health and environmental receptors.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 3 Number of violation days 3

mark only one with an x	daily	X
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$15,000

Three daily events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,000

Violation Final Penalty Total \$11,400

This violation Final Assessed Penalty (adjusted for limits) \$11,400

Economic Benefit Worksheet

Respondent: San Antonio Water System
Case ID No.: 33264
Reg. Ent. Reference No.: RN102182664
Media: Water Quality
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

There are no delayed costs associated with this violation.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$1,000	12-Mar-2007	14-Mar-2007	0.0	\$0	\$1,000	\$1,000
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount for additional preventative measures or oversight that could have avoided the unauthorized discharge, calculated for the days in which the discharge occurred.

Approx. Cost of Compliance

\$1,000

TOTAL

\$1,000

Compliance History

Customer/Respondent/Owner-Operator:	CN600529069 San Antonio Water System	Classification: AVERAGE	Rating: 2.54
Regulated Entity:	RN102182664 LEON CREEK WATER RECYCLING CENTER WASTEWATER TREATMENT FACILITY	Classification: AVERAGE	Site Rating: 0.16
ID Number(s):	WASTEWATER PERMIT		WQ0010137003
	WASTEWATER PERMIT		TPDES0052639
	WASTEWATER PERMIT		TX0052639
	PRETREATMENT EPA ID		TX0052639000
	PRETREATMENT PERMIT		WQ0010137003
	STORMWATER PERMIT		TXR05P893
	WASTEWATER LICENSING LICENSE		WQ0010137003
	MUNICIPAL SOLID WASTE PROCESSING PERMIT		100020
Location:	1104 MAUERMANN RD, SAN ANTONIO, TX, 78224	Rating Date: September 01 06	Repeat Violator: NO
TCEQ Region:	REGION 13 - SAN ANTONIO		
Date Compliance History Prepared:	April 17, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	April 17, 2002 to April 17, 2007		

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Rebecca Clausewitz Phone: (210) 403-4012

Site Compliance History Components

- | | |
|--|-----|
| 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 of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

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

- | | | |
|----|------------|----------|
| 1 | 04/22/2002 | (183703) |
| 2 | 05/16/2002 | (183707) |
| 3 | 06/19/2002 | (183711) |
| 4 | 07/19/2002 | (183715) |
| 5 | 08/13/2002 | (4077) |
| 6 | 08/20/2002 | (183719) |
| 7 | 09/18/2002 | (183722) |
| 8 | 10/21/2002 | (183725) |
| 9 | 11/18/2002 | (183729) |
| 10 | 12/20/2002 | (183733) |
| 11 | 01/10/2003 | (183737) |
| 12 | 02/20/2003 | (183696) |
| 13 | 03/17/2003 | (183699) |
| 14 | 04/21/2003 | (183704) |
| 15 | 05/20/2003 | (183708) |
| 16 | 06/16/2003 | (183712) |
| 17 | 07/15/2003 | (183716) |
| 18 | 08/19/2003 | (306217) |
| 19 | 08/22/2003 | (306213) |
| 20 | 09/18/2003 | (306215) |

21 10/13/2003 (250624)
 22 11/20/2003 (306218)
 23 12/17/2003 (306219)
 24 12/17/2003 (306220)
 25 12/21/2003 (438041)
 26 12/30/2003 (256937)
 27 02/20/2004 (306202)
 28 03/18/2004 (306204)
 29 03/19/2004 (306205)
 30 05/19/2004 (306207)
 31 06/18/2004 (306209)
 32 06/18/2004 (306211)
 33 08/25/2004 (356425)
 34 09/17/2004 (356426)
 35 10/19/2004 (356427)
 36 11/19/2004 (356428)
 37 12/20/2004 (384257)
 38 12/20/2004 (384258)
 39 02/16/2005 (384255)
 40 03/17/2005 (384256)
 41 03/21/2006 (451662)
 42 02/13/2007 (537603)
 43 03/26/2007 (554008)

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

Date: 10/31/2003 (306218)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 12/29/2003 (256937)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Permittee exceeded daily max. NH3-N permit limit in March 2002 and October 2003.

F. Environmental audits.

Notice of Intent Date: 09/05/2002 (33061)
 Disclosure Date: 3/20/2003 12:00:00AM
 Viol. Classification: Minor
 Citation: 30 TAC Chapter 106, SubChapter A
 Description: Failed to maintain a copy of a specific PBR and a copy of the general rule.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 106, SubChapter V
 Description: Failed to operate a flare with alarm required by STDX 80 (currently PBR 106.492).

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
SAN ANTONIO WATER SYSTEM
RN102182664**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2007-0639-MWD-E**

At its _____ agenda, the Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding San Antonio Water System (“SAWS”) under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and SAWS presented this agreement to the Commission.

SAWS understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, SAWS agrees to waive all notice and procedural rights.

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

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

I. FINDINGS OF FACT

1. SAWS owns and operates a wastewater treatment facility at 1104 Mauermann in San Antonio, Bexar County, Texas (the “Facility”).
2. SAWS has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. During an investigation on March 12 through 14, 2007, TCEQ staff documented a discharge of approximately 3.6 million gallons of untreated wastewater into Huebner Creek from SAWS's sewage line located in the 6500 block of Bandera Road, San Antonio, Bexar County, Texas.
4. SAWS received notice of the violations on March 28, 2007.

5. The Executive Director recognizes that on March 15, 2007, SAWS ceased all unauthorized discharges of untreated wastewater into Huebner Creek by repairing the broken sewage line and returning the sewage flow back into the collection system.

II. CONCLUSIONS OF LAW

1. SAWS is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, SAWS failed to prevent the unauthorized discharge of untreated wastewater, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit WQ0010137003, Permit Condition 2.g.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against SAWS for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Eleven Thousand Four Hundred Dollars (\$11,400) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. SAWS has paid the Eleven Thousand Four Hundred Dollar (\$11,400) administrative penalty.

III. ORDERING PROVISIONS

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

1. SAWS is assessed an administrative penalty in the amount of Eleven Thousand Four Hundred Dollars (\$11,400) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and SAWS's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: San Antonio Water System, Docket No. 2007-0639-MWD-E" to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon SAWS. SAWS is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to SAWS if the Executive Director determines that SAWS has not complied with one or more of the terms or conditions in this Agreed Order.
4. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
5. This Agreed Order, issued by the Commission, shall not be admissible against SAWS in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

3/27/2008
Date

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

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

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

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

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


Signature

August 27, 2007
Date

DAVID E. CHARDAVOINE
Name (Printed or typed)
Authorized Representative of
San Antonio Water System

President / CEO
Title

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

