

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2010-1007-MWD-E **TCEQ ID:** RN100851518 **CASE NO.:** 39903  
**RESPONDENT NAME:** San Antonio Water System

<b>ORDER TYPE:</b>		
<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	
<b>CASE TYPE:</b>		
<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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Salado Creek Water Recycling Center, approximately 1.5 miles south of the intersection of Southton Road and Blue Wing Road with an associated collection system line located near the intersection of Bunche Drive and Brooksdale Drive in San Antonio, Bexar County</p> <p><b>TYPE OF OPERATION:</b> Wastewater treatment facility</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> A complaint was received on April 27, 2010 alleging a fish kill by the Texas Parks and Wildlife Department. Regional staff confirmed that a fish kill had occurred in Salado Creek as a result of a wastewater discharge from a collection line owned and operated by the San Antonio Water System. There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on October 25, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732  <b>TCEQ Enforcement Coordinator:</b> Ms. Evette Alvarado, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2573; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. Steve Clouse, Chief Operating Officer, San Antonio Water System, 2800 U.S. Highway 281 North, San Antonio, Texas 78212  Mr. Robert R. Puente, President/CEO, San Antonio Water System, 2800 U.S. Highway 281 North, San Antonio, Texas 78212  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input checked="" type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> April 27, 2010</p> <p><b>Date of Investigation Relating to this Case:</b> April 27, 2010</p> <p><b>Date of NOV/NOE Relating to this Case:</b> May 20, 2010 (NOE)</p> <p><b>Background Facts:</b> This was a complaint investigation.</p> <p><b>WATER</b></p> <p>1) Failed to prevent the unauthorized discharge of municipal wastewater into water in the state [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010137008, Permit Conditions No. 2.g.].</p> <p>2) Failed to report an unauthorized discharge orally or by facsimile transmission within 24 hours of becoming aware of the discharge [30 TEX. ADMIN. CODE § 305.125(1) and (9)(A), and TPDES Permit No. WQ0010137008, Monitoring and Reporting Requirements No 7.a.].</p>	<p><b>Total Assessed:</b> \$32,700</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$32,700</p> <p><b>Total Paid to General Revenue:</b> \$0</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Orders Justification:</b></p> <p>Human health or the environment has been exposed to pollutants which exceed levels that are protective.</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. By April 25, 2010, stopped the discharge and the by-pass pumping operation;</p> <p>b. By April 28, 2010, began flushing the creek, removed and disposed of the dead fish, issued a media advisory, and posted contamination warning signs along the creek;</p> <p>c. By May 1, 2010, documented that water quality in the creek had returned to normal;</p> <p>d. By May 10, 2010, changed the by-pass configuration at the location of the discharge to include four additional pumps to the by-pass set-up; and</p> <p>e. By June 1, 2010, provided materials to all contractors to increase awareness of their reporting responsibilities and implemented new spill reporting procedures with the emergency operations center.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>

Additional ID No(s): WQ0010137008

**Attachment A**  
**Docket Number: 2010-1007-MWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** San Antonio Water System  
**Penalty Amount:** Thirty-Two Thousand Seven Hundred Dollars (\$32,700)  
**SEP Offset Amount:** Thirty-Two Thousand Seven Hundred Dollars (\$32,700)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** San Antonio River Authority – *San Antonio River Water Quality Monitoring Network*  
**Location of SEP:** Bexar County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP offset amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be used by *San Antonio River Authority* for the *San Antonio River Water Quality Monitoring Network* to be used as set forth in an agreement between the Third-Party Recipient and the TCEQ. The Third-Party recipient shall install additional water quality monitoring sites to complement and enhance the existing San Antonio River Basin Monitoring Network (SARBMN) along the San Antonio River in Bexar, Wilson, Karnes, and Goliad counties. The Third-Party recipient may also use SEP funds to pay for the continued operation and maintenance of existing SARBMN sites. The network is expected to document the effects of accidental spills and pollution events that affect the river as well as nonpoint source pollution. The Third-Party recipient may employ a contractor to install and provide ongoing operation and maintenance of the monitoring sites, validate data, analyze data, and provide documentation of water quality. Third-Party recipient shall compile data in a database for public information and make it available at [www.texaswaterdata.org](http://www.texaswaterdata.org) and possibly other URLs. The information collected will be used to monitor the water quality within San Antonio River area waters with real time or near real time monitoring data. SEP funds will be used to pay for the instrumentation, installation, and maintenance and/or operation of the instrumentation, data validation, software license, and telemetry costs. Depending upon the site-specific data need(s) (coordinated with TCEQ), individual sites may monitor various water quality parameters such as dissolved oxygen, pH, specific conductance, temperature, turbidity, water level and stream flow. As technology and funding become available, the sites may be expanded to monitor additional parameters such as blue-green algae, chlorophyll, bacteria, and nutrients including ammonia, nitrates, and phosphates.



San Antonio Water System  
Agreed Order – Attachment A

A. Instrumentation: Each site may be comprised of any combination of the following water quality monitoring, communications, and support equipment: *in-situ* flow monitor; automated sampler; submersible pump and associated sample collection equipment; self priming pump and associated sample collection equipment; multi-parameter sonde unit(s) and associated cables; data logger; modem(s); signal router(s); signal splitter(s); power supply (primary and backup); desktop computer(s); station trailer and/or traffic control box. If a site is expanded to include advanced parameters such as nutrients, a wet chemistry auto-analyzer plus calibration standards and reagents may be added.

B. Operation and maintenance: Third-Party recipient may employ a contractor to install, operate, manage, validate, and perform other work on the project as needed. All operation and maintenance will be conducted consistent with established standard operating procedures approved by TCEQ prior to implementation. Third-Party recipient shall submit a scope of work plan, including proposed cost estimates, to TCEQ and shall not begin work on any SEP-related portion of this project without prior approval by the TCEQ SEP Coordinator.

C. Data Management: Monitoring sites are intended for continuous non-regulatory water quality monitoring. Third-Party recipient shall bring data obtained from the monitors directly into the TCEQ Leading Environmental Analysis and Display System (LEADS) IPS MeteoStar database using hard-wired modems, wireless modems, or Geostationary Operational Environmental Satellites (GOES) modems, as the case may require, and the data will be made available to the public via the TCEQ website ([www.texaswaterdata.org](http://www.texaswaterdata.org)) as soon as possible upon availability. This requires the Third-Party recipient to prepare and submit a TCEQ Site Initiation Form for each monitor. Third-Party recipient shall also provide contact information for inclusion on the TCEQ website so that it may answer questions in a timely manner (during normal business hours) regarding data and data quality from the measurements obtained from monitoring sites.

D. Quality Assurance/Quality Control: Third-Party recipient shall conduct all monitoring paid for with SEP Funds under a TCEQ-approved Quality Assurance Project Plan. Third-Party recipient shall ensure that analysis of all data collected complies with state law and rules regarding use of certified or accredited testing laboratories (e.g. 30 Texas Administrative Code, Chapter 25, relating to Environmental Testing Laboratory Accreditation and Certification, as amended).

All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by availing more frequent and more in-depth ongoing information about the river's water quality, ecosystem health, and instream flows, and will provide an early detection system for potential pollution sources. Identifying pollution sources will assist government entities in addressing negative impacts to sources of recreational and drinking water. The data may be used to plan water treatment operation changes and may create a near real-time pollutant load model for point and non-point loads in base flow and storm water flow conditions. The network may be expanded to include



San Antonio Water System  
Agreed Order – Attachment A

parameters for different types of usage including recreation, fish and wildlife habitat, drinking water, flood alerts, and water rights, among others.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP offset amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP offset amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

San Antonio River Authority  
San Antonio River Water Quality Monitoring Network  
Attn: Melissa Bryant  
100 E. Guenther  
P.O. Box 839980  
San Antonio, Texas 78283-9980

**3. Records and Reporting**

Concurrent with the payment of the SEP offset amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP offset amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP offset amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:



San Antonio Water System  
Agreed Order – Attachment A

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	14-Jun-2010	<b>Screening</b>	17-Jun-2010	<b>EPA Due</b>	
	<b>PCW</b>	18-Jun-2010				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	San Antonio Water System
<b>Reg. Ent. Ref. No.</b>	RN100851618
<b>Facility/Site Region</b>	13-San Antonio
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	39903	<b>No. of Violations</b>	2
<b>Docket No.</b>	2010-1007-MVD-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Evette Alvarado
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** *Subtotal 1* **\$31,000**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History**  Enhancement *Subtotals 2, 3, & 7* **\$9,300**

**Notes:** Enhancement recommended for one monthly self-reported effluent violation, one NOV with same or similar violations, and one agreed order with a denial of liability.

**Culpability**   Enhancement *Subtotal 4* **\$0**

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

**Good Faith Effort to Comply Total Adjustments** *Subtotal 5* **\$7,600**

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

Total EB Amounts   
 Approx. Cost of Compliance  \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** *Final Subtotal* **\$32,700**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes:**

*Final Penalty Amount* **\$32,700**

**STATUTORY LIMIT ADJUSTMENT** *Final Assessed Penalty* **\$32,700**

**DEFERRAL**  Reduction *Adjustment* **\$0**

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** **\$32,700**

Screening Date 17-Jun-2010

Docket No. 2010-1007-MWD-E

PCW

Respondent San Antonio Water System

Policy Revision 2 (September 2002)

Case ID No. 39903

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100851518

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

### 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)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	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 judgements 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)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

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) 30%

>> 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

Enhancement recommended for one monthly self-reported effluent violation, one NOV with same or similar violations, and one agreed order with a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 30%

Screening Date 17-Jun-2010

Docket No. 2010-1007-MWD-E

PCW

Respondent San Antonio Water System

Policy Revision 2 (September 2002)

Case ID No. 39903

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100851518

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

Violation Number

Rule Cite(s)

Tex. Water Code § 26.124(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010137008, Permit Conditions No. 2.g

Violation Description

Failed to prevent the unauthorized discharge of municipal wastewater into water in the state, as documented during an investigation conducted on April 27, 2010. On April 26, 2010, a pump failed on a sewer by-pass line located near the intersection of Bunche Drive and Brooksdale Drive. The pump failure caused approximately 25,000 gallons of wastewater to be discharged into Salado Creek from the by-pass line, resulting in a fish kill of approximately 600 fish.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	X		
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which exceed protective levels as a result of this violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 6

6 Number of violation days

daily	X
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$30,000

Six daily events are recommended from the date the discharge began (April 26, 2010) to the date immediate actions were taken to address the discharge (May 1, 2010).

Good Faith Efforts to Comply

25.0% Reduction

\$7,500

	Before NOV	NOV to EDRP/Settlement
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent returned to compliance by May 10, 2010.

Violation Subtotal \$22,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$329

Violation Final Penalty Total \$31,500

This violation Final Assessed Penalty (adjusted for limits) \$31,500

## Economic Benefit Worksheet

**Respondent:** San Antonio Water System  
**Case ID No.:** 39903  
**Reg. Ent. Reference No.:** RN100851518  
**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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$160,000	25-Apr-2010	10-May-2010	0.04	\$329	n/a	\$329

Notes for DELAYED costs

Estimated total cost (provided by the Respondent) to stop pumping operations at the discharge location, flush the creek, remove and dispose of dead fish, collect stream samples, and change the by-pass configuration of the pumps at the location of the discharge. Date required is the date of the discharge. Final date is the date all corrective actions were completed.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$160,000

**TOTAL**

\$329

Screening Date: 17-Jun-2010

Docket No.: 2010-1007-MWD-E

PCW

Respondent: San Antonio Water System

Policy Revision 2 (September 2002)

Case ID No.: 39903

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN100851518

Media [Statute]: Water Quality

Enf. Coordinator: Evette Alvarado

Violation Number: 2

Rule Cite(s): 30 Tex. Admin. Code § 305.126(1) and (9)(A), and TPDES Permit No. WQ0010137008, Monitoring and Reporting Requirements No.7.a

Violation Description:

Failed to report an unauthorized discharge orally or by facsimile transmission within 24 hours of becoming aware of the discharge, as documented during an investigation conducted on April 27, 2010.

Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent: 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	X		

Percent: 10%

Matrix Notes

100% of the permit requirement was not met.

Adjustment: \$9,000

\$1,000

Violation Events

Number of Violation Events: 1

35 Number of violation days

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

Violation Base Penalty: \$1,000

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$100

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes

The Respondent returned to compliance by June 1, 2010.

Violation Subtotal: \$800

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$5

Violation Final Penalty Total: \$1,200

This violation Final Assessed Penalty (adjusted for limits): \$1,200

## Economic Benefit Worksheet

**Respondent:** San Antonio Water System  
**Case ID No.:** 39903  
**Reg. Ent. Reference No.:** RN100851518  
**Media:** Water Quality  
**Violation No.:** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	One-time Costs	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	28-Apr-2010	1-Jun-2010	0.10	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to increase awareness among all contractors working with the Respondent of their reporting responsibilities and implement a new spill reporting procedure with the emergency operations center. Date required is the date verbal or fax notification was required. Final date is the date new procedures were implemented.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$5

# Compliance History Report

Customer/Respondent/Owner-Operator: CN600529069 San Antonio Water System Classification: AVERAGE Rating: 3.29  
Regulated Entity: RN100851518 SALADO CREEK WATER RECYCLING Classification: AVERAGE Site Rating: 1.36

ID Number(s):	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BG1126T
	WASTEWATER	EPA ID	TPDES0052647
	WASTEWATER	PERMIT	WQ0010137008
	WASTEWATER	PERMIT	TX0052647
	STORMWATER	PERMIT	TXR05P891
	WASTEWATER LICENSING	LICENSE	WQ0010137008

Location: WWTF located approx. 1.5 miles south of intx of Southton Rd. and Blue Wing Rd with associated collection system line located near intx. of Bunche Drive and Brooksdale Drive, San Antonio, Bexar Co., Tx

TCEQ Region: REGION 13 - SAN ANTONIO

Date Compliance History Prepared: June 14, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 14, 2005 to June 14, 2010

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

Name: Evelte Alvarado Phone: 512 - 239 - 2573

## 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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

## Components (Multimedia) for the Site :

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

Effective Date: 11/18/2006

ADMINORDER 2006-0636-MWD-E

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

Description: Failure to prevent unauthorized discharges from the Afton Oaks Lift station / Force Main entering an unnamed tributary of Lorence Creek, which is located over the Edwards Aquifer recharge zone.

- 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	06/20/2005	(581238)
2	08/11/2005	(581241)
3	08/23/2005	(581244)

4 09/19/2005 (581248)  
5 10/19/2005 (581250)  
6 11/18/2005 (581252)  
7 12/23/2005 (581253)  
8 12/23/2005 (581158)  
9 02/15/2006 (581160)  
10 03/17/2006 (581163)  
11 04/19/2006 (581242)  
12 04/19/2006 (462666)  
13 05/08/2006 (459207)  
14 05/10/2006 (581237)  
15 05/18/2006 (581239)  
16 06/16/2006 (581254)  
17 08/30/2006 (581245)  
18 08/31/2006 (581247)  
19 09/20/2006 (581249)  
20 10/16/2006 (581251)  
21 11/15/2006 (581251)  
22 12/15/2006 (769906)  
23 02/22/2007 (581159)  
24 03/15/2007 (581161)  
25 03/15/2007 (581164)  
26 05/17/2007 (729074)  
27 06/20/2007 (581240)  
28 07/20/2007 (581243)  
29 08/20/2007 (608104)  
30 09/20/2007 (729079)  
31 10/19/2007 (729081)  
32 11/19/2007 (729083)  
33 01/02/2008 (729085)  
34 01/16/2008 (729087)  
35 02/19/2008 (729070)  
36 03/19/2008 (729071)  
37 03/19/2008 (729072)  
38 04/16/2008 (729073)  
39 05/19/2008 (729075)  
40 06/17/2008 (729076)  
41 06/17/2008 (729077)  
42 08/18/2008 (729078)  
43 08/18/2008 (729088)  
44 09/18/2008 (729080)  
45 10/17/2008 (729082)  
46 11/19/2008 (729084)  
47 12/18/2008 (729086)  
48 02/20/2009 (769902)  
49 03/20/2009 (769903)  
50 03/20/2009 (769905)  
51 04/20/2009 (769904)  
52 05/27/2009 (809364)  
53 07/23/2009 (809365)  
54 08/26/2009 (809366)  
55 09/18/2009 (809367)  
56 10/19/2009 (809368)  
57 11/23/2009 (809369)  
58 12/17/2009 (809370)  
59 12/17/2009 (809371)  
60 02/18/2010 (809363)  
61 05/26/2010 (803532)

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

Date: 07/31/2006 (581245) CN600529069  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 04/02/2010 (803532) CN600529069  
Self Report? NO Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Operational Requirements 1 PERMIT  
Description: Failure of the San Antonio Water System to prevent the unauthorized discharge of wastewater from its collection system located near 10700 Nacogdoches Road in San Antonio, Texas on April 1, 2010.

F. Environmental audits.

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  
RN100851518**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2010-1007-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 the San Antonio Water System ("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 presented this agreement to the Commission.

The Respondent 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, the Respondent agrees to waive all notice and procedural rights.

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

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

**I. FINDINGS OF FACT**

1. The Respondent owns and operates a wastewater treatment facility located approximately 1.5 miles south of the intersection of Southton Road and Blue Wing Road with an associated collection system line located near the intersection of Bunche Drive and Brooksdale Drive in San Antonio, Bexar County, Texas (the "Facility").

2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During an investigation on April 27, 2010, TCEQ staff documented that, on April 25, 2010, a pump failed on a sewer by-pass line located near the intersection of Bunche Drive and Brooksdale Drive. The pump failure caused approximately 25,000 gallons of wastewater to be discharged into Salado Creek from the by-pass line, resulting in a fish kill of approximately 600 fish.
4. During an investigation on April 27, 2010, TCEQ staff documented that notification of the discharge was not made within 24 hours of its discovery.
5. The Respondent received notice of the violations on May 28, 2010.
6. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. By April 25, 2010, stopped the discharge and the by-pass pumping operation;
  - b. By April 28, 2010, began flushing the creek, removed and disposed of the dead fish, issued a media advisory, and posted contamination warning signs along the creek;
  - c. By May 1, 2010, documented that water quality in the creek had returned to normal;
  - d. By May 10, 2010, changed the by-pass configuration at the location of the discharge to include four additional pumps to the by-pass set-up; and
  - e. By June 1, 2010, provided materials to all contractors to increase awareness of their reporting responsibilities and implemented new spill reporting procedures with the emergency operations center.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent the unauthorized discharge of municipal wastewater into water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010137008, Permit Conditions No. 2.g.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to report an unauthorized discharge orally or by facsimile transmission within 24 hours of becoming aware of the discharge, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (9)(A), and TPDES Permit No. WQ0010137008, Monitoring and Reporting Requirements No 7.a.

4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Thirty-Two Thousand Seven Hundred Dollars (\$32,700) 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. Thirty-Two Thousand Seven Hundred Dollars (\$32,700) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

### III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Thirty-Two Thousand Seven Hundred Dollars (\$32,700) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: San Antonio Water System, Docket No. 2010-1007-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 Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 5 above, Thirty-Two Thousand Seven Hundred Dollars (\$32,700) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The

Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
10. 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

9/28/2010  
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

08-20-10  
Date

ROBERT R. PUENTE  
\_\_\_\_\_  
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 III, Paragraph 1 of this Agreed Order.



Attachment A  
Docket Number: 2010-1007-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

<b>Respondent:</b>	San Antonio Water System
<b>Penalty Amount:</b>	Thirty-Two Thousand Seven Hundred Dollars (\$32,700)
<b>SEP Offset Amount:</b>	Thirty-Two Thousand Seven Hundred Dollars (\$32,700)
<b>Type of SEP:</b>	Pre-approved
<b>Third-Party Recipient:</b>	San Antonio River Authority -- <i>San Antonio River Water Quality Monitoring Network</i>
<b>Location of SEP:</b>	Bexar County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP offset amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be used by *San Antonio River Authority* for the *San Antonio River Water Quality Monitoring Network* to be used as set forth in an agreement between the Third-Party Recipient and the TCEQ. The Third-Party recipient shall install additional water quality monitoring sites to complement and enhance the existing San Antonio River Basin Monitoring Network (SARBMN) along the San Antonio River in Bexar, Wilson, Karnes, and Goliad counties. The Third-Party recipient may also use SEP funds to pay for the continued operation and maintenance of existing SARBMN sites. The network is expected to document the effects of accidental spills and pollution events that affect the river as well as nonpoint source pollution. The Third-Party recipient may employ a contractor to install and provide ongoing operation and maintenance of the monitoring sites, validate data, analyze data, and provide documentation of water quality. Third-Party recipient shall compile data in a database for public information and make it available at [www.texaswaterdata.org](http://www.texaswaterdata.org) and possibly other URLs. The information collected will be used to monitor the water quality within San Antonio River area waters with real time or near real time monitoring data. SEP funds will be used to pay for the instrumentation, installation, and maintenance and/or operation of the instrumentation, data validation, software license, and telemetry costs. Depending upon the site-specific data need(s) (coordinated with TCEQ), individual sites may monitor various water quality parameters such as dissolved oxygen, pH, specific conductance, temperature, turbidity, water level and stream flow. As technology and funding become available, the sites may be expanded to monitor additional parameters such as blue-green algae, chlorophyll, bacteria, and nutrients including ammonia, nitrates, and phosphates.

San Antonio Water System  
Agreed Order – Attachment A

A. Instrumentation: Each site may be comprised of any combination of the following water quality monitoring, communications, and support equipment: *in-situ* flow monitor; automated sampler; submersible pump and associated sample collection equipment; self priming pump and associated sample collection equipment; multi-parameter sonde unit(s) and associated cables; data logger; modem(s); signal router(s); signal splitter(s); power supply (primary and backup); desktop computer(s); station trailer and/or traffic control box. If a site is expanded to include advanced parameters such as nutrients, a wet chemistry auto-analyzer plus calibration standards and reagents may be added.

B. Operation and maintenance: Third-Party recipient may employ a contractor to install, operate, manage, validate, and perform other work on the project as needed. All operation and maintenance will be conducted consistent with established standard operating procedures approved by TCEQ prior to implementation. Third-Party recipient shall submit a scope of work plan, including proposed cost estimates, to TCEQ and shall not begin work on any SEP-related portion of this project without prior approval by the TCEQ SEP Coordinator.

C. Data Management: Monitoring sites are intended for continuous non-regulatory water quality monitoring. Third-Party recipient shall bring data obtained from the monitors directly into the TCEQ Leading Environmental Analysis and Display System (LEADS) IPS MeteoStar database using hard-wired modems, wireless modems, or Geostationary Operational Environmental Satellites (GOES) modems, as the case may require, and the data will be made available to the public via the TCEQ website ([www.texaswaterdata.org](http://www.texaswaterdata.org)) as soon as possible upon availability. This requires the Third-Party recipient to prepare and submit a TCEQ Site Initiation Form for each monitor. Third-Party recipient shall also provide contact information for inclusion on the TCEQ website so that it may answer questions in a timely manner (during normal business hours) regarding data and data quality from the measurements obtained from monitoring sites.

D. Quality Assurance/Quality Control: Third-Party recipient shall conduct all monitoring paid for with SEP Funds under a TCEQ-approved Quality Assurance Project Plan. Third-Party recipient shall ensure that analysis of all data collected complies with state law and rules regarding use of certified or accredited testing laboratories (e.g. 30 Texas Administrative Code, Chapter 25, relating to Environmental Testing Laboratory Accreditation and Certification, as amended).

All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by availing more frequent and more in-depth ongoing information about the river's water quality, ecosystem health, and instream flows, and will provide an early detection system for potential pollution sources. Identifying pollution sources will assist government entities in addressing negative impacts to sources of recreational and drinking water. The data may be used to plan water treatment operation changes and may create a near real-time pollutant load model for point and non-point loads in base flow and storm water flow conditions. The network may be expanded to include

San Antonio Water System  
Agreed Order – Attachment A

parameters for different types of usage including recreation, fish and wildlife habitat, drinking water, flood alerts, and water rights, among others.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP offset amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP offset amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

San Antonio River Authority  
San Antonio River Water Quality Monitoring Network  
Attn: Melissa Bryant  
100 E. Guenther  
P.O. Box 839980  
San Antonio, Texas 78283-9980

**3. Records and Reporting**

Concurrent with the payment of the SEP offset amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP offset amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP offset amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

San Antonio Water System  
Agreed Order – Attachment A

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.