

**Executive Summary – Enforcement Matter – Case No. 47580**  
**San Antonio River Authority**  
**RN101514560**  
**Docket No. 2013-1681-WQ-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

**Media:**

WQ

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Salatrillo Creek, located north of the Salatrillo Creek Wastewater Treatment Facility and east of Highway 78, Converse, Bexar County

**Type of Operation:**

Collection system

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** January 24, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$5,625

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$5,625

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2011

**Executive Summary – Enforcement Matter – Case No. 47580  
San Antonio River Authority  
RN101514560  
Docket No. 2013-1681-WQ-E**

***Investigation Information***

**Complaint Date(s):** N/A  
**Complaint Information:** N/A  
**Date(s) of Investigation:** June 19, 2013  
**Date(s) of NOE(s):** August 23, 2013

***Violation Information***

Failed to prevent an unauthorized discharge of untreated wastewater from the collection system [TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010749001, Permit Conditions No. 2.g.].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following:

- a. On June 17, 2013:
  - i. Ceased discharging, constructed berms upstream and downstream of the creek to contain sewage, disinfected the area with sodium hypochlorite, and installed signs at Salatrillo Creek;
  - ii. Pumped sewage and affected creek water back into the collection system; and
  - iii. Relocated live fish to an area downstream and properly disposed of the dead fish.
- b. By July 8, 2013, repaired the sewer line and removed trash and debris from the creekbed.

**Technical Requirements:**

N/A

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Cheryl Thompson, Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5886; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

**Executive Summary – Enforcement Matter – Case No. 47580**  
**San Antonio River Authority**  
**RN101514560**  
**Docket No. 2013-1681-WQ-E**

**TCEQ SEP Coordinator:** N/A

**Respondent:** John Gomez, Utilities Manager, San Antonio River Authority, P.O. Box,  
San Antonio, Texas 78283  
Suzanne Scott, General Manager, San Antonio River Authority, P.O. Box, San Antonio,  
Texas 78283

**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

<b>DATES</b>	<b>Assigned</b>	26-Aug-2013			
	<b>PCW</b>	10-Sep-2013	<b>Screening</b>	4-Sep-2013	<b>EPA Due</b>

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	San Antonio River Authority			
<b>Reg. Ent. Ref. No.</b>	RN101514560			
<b>Facility/Site Region</b>	13-San Antonio	<b>Major/Minor Source</b>	Minor	

## CASE INFORMATION

<b>Enf./Case ID No.</b>	47580	<b>No. of Violations</b>	1
<b>Docket No.</b>	2013-1681-WQ-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>	Cheryl Thompson
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$7,500**

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

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

**Compliance History** 0.0% Enhancement **Subtotals 2, 3, & 7** **\$0**

**Notes** No adjustment for Compliance History.

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

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

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **\$1,875**

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

Total EB Amounts	\$39
Approx. Cost of Compliance	\$13,685

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$5,625**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** **\$5,625**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$5,625**

**DEFERRAL** 0.0% 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** **\$5,625**

**Screening Date** 4-Sep-2013

**Docket No.** 2013-1681-WQ-E

**PCW**

**Respondent** San Antonio River Authority

Policy Revision 3 (September 2011)

**Case ID No.** 47580

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN101514560

**Media [Statute]** Water Quality

**Enf. Coordinator** Cheryl Thompson

**Compliance History Worksheet**

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<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)** 0%

>> **Repeat Violator (Subtotal 3)**

No

**Adjustment Percentage (Subtotal 3)** 0%

>> **Compliance History Person Classification (Subtotal 7)**

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

No adjustment for Compliance History.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 0%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 0%

Screening Date 4-Sep-2013

Docket No. 2013-1681-WQ-E

PCW

Respondent San Antonio River Authority

Policy Revision 3 (September 2011)

Case ID No. 47580

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101514560

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010749001, Permit Conditions No. 2.g.

Violation Description Failed to prevent an unauthorized discharge of untreated wastewater from the collection system. Specifically, during construction activities conducted on June 17, 2013, a horizontal directional drilling operation collapsed a 24-inch sewer main. The damage caused sewage to back up and overflow the upstream manhole. The Respondent discharged approximately 55,000 to 90,000 gallons of raw sewage into Salatrillo Creek killing approximately 350 fish.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	x			30.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or the environment as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$7,500

One daily event is recommended for the discharge that occurred on June 17, 2013.

Good Faith Efforts to Comply

25.0% Reduction

\$1,875

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

Notes The Respondent returned to compliance on July 8, 2013.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$39

Violation Final Penalty Total \$5,625

This violation Final Assessed Penalty (adjusted for limits) \$5,625

## Economic Benefit Worksheet

**Respondent** San Antonio River Authority  
**Case ID No.** 47580  
**Reg. Ent. Reference No.** RN101514560  
**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)	\$13,685	17-Jun-2013	8-Jul-2013	0.06	\$39	n/a	\$39

**Notes for DELAYED costs**

Estimated cost to clean the area and disinfect with sodium hypochlorite, repair the sewer line, collect and relocate the live fish, properly dispose of the dead fish, pump sewage and affected creek water back into the collection system, and construct berms upstream and downstream to contain sewage overflow. Date required is the date the discharge started. Final date is the date of compliance.

### 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**

<b>Approx. Cost of Compliance</b>	\$13,685	<b>TOTAL</b>	\$39
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# Compliance History Report

**PENDING** Compliance History Report for CN600790620, RN101514560, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600790620, San Antonio River Authority	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 0.38
<b>Regulated Entity:</b>	RN101514560, SALATRILLO CREEK	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 0.27
<b>Complexity Points:</b>	9	<b>Repeat Violator:</b> NO	
<b>CH Group:</b>	08 - Sewage Treatment Facilities		
<b>Location:</b>	NORTH OF THE SALATRILLO CREEK WASTEWATER TREATMENT FACILITY AND EAST OF HIGHWAY 78, CONVERSE, BEXAR COUNTY		
<b>TCEQ Region:</b>	REGION 13 - SAN ANTONIO		
<b>ID Number(s):</b>			
<b>WASTEWATER PERMIT</b> WQ0010749001	<b>WASTEWATER EPA ID</b> TX0053074		
<b>WASTEWATER AUTHORIZATION</b> R10749001	<b>STORMWATER PERMIT</b> TXR05K745		
<b>Compliance History Period:</b>	September 01, 2008 to August 31, 2013	<b>Rating Year:</b> 2013	<b>Rating Date:</b> 09/01/2013
<b>Date Compliance History Report Prepared:</b>	October 21, 2013		
<b>Agency Decision Requiring Compliance History:</b>	Enforcement		
<b>Component Period Selected:</b>	October 21, 2008 to October 21, 2013		
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>			
<b>Name:</b>	Cheryl Thompson	<b>Phone:</b>	(817) 588-5886

### 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
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

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

- A. Final Orders, court judgments, and consent decrees:**  
N/A
- B. Criminal convictions:**  
N/A
- C. Chronic excessive emissions events:**  
N/A
- D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	November 18, 2008	(729133)
Item 2	December 16, 2008	(752300)
Item 3	February 18, 2009	(752296)
Item 4	March 16, 2009	(752297)
Item 5	April 06, 2009	(752299)
Item 6	April 14, 2009	(752298)
Item 7	May 18, 2009	(769957)
Item 8	June 22, 2009	(926783)

Item 9	August 21, 2009	(926784)
Item 10	September 16, 2009	(926785)
Item 11	October 14, 2009	(926786)
Item 12	October 26, 2009	(775664)
Item 13	January 14, 2010	(926789)
Item 14	February 17, 2010	(926778)
Item 15	April 18, 2010	(926780)
Item 16	May 17, 2010	(926782)
Item 17	June 17, 2010	(846807)
Item 18	July 15, 2010	(861322)
Item 19	August 16, 2010	(867495)
Item 20	September 19, 2010	(874504)
Item 21	November 18, 2010	(888552)
Item 22	December 06, 2010	(902842)
Item 23	December 15, 2010	(896896)
Item 24	February 16, 2011	(909695)
Item 25	March 16, 2011	(916910)
Item 26	May 05, 2011	(926781)
Item 27	May 13, 2011	(938629)
Item 28	June 15, 2011	(945995)
Item 29	September 14, 2011	(965937)
Item 30	October 13, 2011	(971979)
Item 31	November 16, 2011	(978144)
Item 32	December 16, 2011	(984915)
Item 33	January 18, 2012	(991203)
Item 34	April 17, 2012	(1010662)
Item 35	May 17, 2012	(1017040)
Item 36	June 18, 2012	(1024805)
Item 37	July 19, 2012	(1032162)
Item 38	September 17, 2012	(1047455)
Item 39	September 24, 2012	(1038589)
Item 40	November 15, 2012	(1063973)
Item 41	December 17, 2012	(1063974)
Item 42	February 18, 2013	(1080280)
Item 43	March 19, 2013	(1089930)
Item 44	April 17, 2013	(1096325)
Item 45	May 17, 2013	(1107269)
Item 46	June 19, 2013	(1110934)
Item 47	July 02, 2013	(1117805)

**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.

N/A

**F. Environmental audits:**

N/A

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

N/A

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

N/A

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

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

*Pending Compliance History Report for CN600790620, RN101514560, Rating Year 2013 which includes Compliance History (CH) components from October 21, 2008, through October 21, 2013.*

## Component Appendices

### Appendix A

#### All NOV's Issued During Component Period 10/21/2008 and 10/21/2013

- 1 Date: 10/31/2009 (926787) CN600790620  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 2 Date: 11/30/2009 (926788) CN600790620  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 3 Date: 02/28/2010 (926779) CN600790620  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 4 Date: 07/28/2010 (826809) CN600790620  
Self Report? NO Classification: Moderate  
Citation: Operational Requirements PERMIT  
TWC Chapter 26 26.121  
Description: Failure of the permittee to prevent the unauthorized discharge of wastewater, which resulted in a fish kill, from the San Antonio River Authority Salatrillo wastewater treatment facility collection system located near the intersection of Gibbs Sprawl Road and FM 1937 in Bexar County, Texas.
- 5 Date: 09/30/2010 (882084) CN600790620  
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
- 6 Date: 06/30/2011 (953259) CN600790620  
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
- 7 Date: 07/31/2011 (959896) CN600790620  
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
- 8 Date: 01/31/2012 (998570) CN600790620  
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
- 9 Date: 02/29/2012 (1004099) CN600790620  
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
- 10 Date: 08/10/2012 (1013092) CN600790620  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TPDES Permit No. WQ0010749-001 PERMIT  
Description: Failure to meet the two-hour (2-hour peak flow) discharge limitation not to exceed 10,204 gallons per minute (GPM).

**Pending** Compliance History Report for CN600790620, RN101514560, Rating Year 2013 which includes Compliance History (CH) components from October 21, 2008, through October 21, 2013.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TPDES Permit No. WQ0010749-001 PERMIT  
Description: Failure to meet discharge limitations for Escherichia coli (E. coli) daily maximum  
of 394 per 100 ml.

11\* Date: 09/30/2012 (1063972) CN600790620  
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

\* NOVs applicable for the Compliance History rating period 9/1/2008 to 8/31/2013

**Appendix B****All Investigations Conducted During Component Period October 21, 2008 and October 21, 2013**

Item 1*	November 18, 2008**	(729133)
Item 2*	December 16, 2008**	(752300)
Item 3*	February 18, 2009**	(752296)
Item 4*	March 16, 2009**	(752297)
Item 5*	April 06, 2009**	(752299)
Item 6*	April 14, 2009**	(752298)
Item 7*	May 18, 2009**	(769957)
Item 8*	June 22, 2009**	(926783)
Item 9*	August 21, 2009**	(926784)
Item 10*	September 16, 2009**	(926785)
Item 11*	October 14, 2009**	(926786)
Item 12*	October 26, 2009**	(775664)
Item 13	November 18, 2009**	(926787)
Item 14	December 16, 2009**	(926788)
Item 15*	January 14, 2010**	(926789)
Item 16*	February 17, 2010**	(926778)
Item 17	March 18, 2010**	(926779)
Item 18*	April 18, 2010**	(926780)
Item 19*	May 17, 2010**	(926782)
Item 20*	June 17, 2010**	(846807)
Item 21*	July 15, 2010**	(861322)
Item 22	July 29, 2010**	(826809)
Item 23*	August 16, 2010**	(867495)
Item 24*	September 19, 2010**	(874504)
Item 25	September 30, 2010**	(860337)
Item 26	October 18, 2010**	(882084)
Item 27	November 17, 2010**	(870576)
Item 28*	November 18, 2010**	(888552)
Item 29*	December 06, 2010**	(902842)
Item 30*	December 15, 2010**	(896896)
Item 31*	February 16, 2011**	(909695)
Item 32*	March 16, 2011**	(916910)
Item 33*	May 05, 2011**	(926781)
Item 34*	May 13, 2011**	(938629)
Item 35*	June 15, 2011**	(945995)
Item 36	July 15, 2011**	(953259)
Item 37	September 01, 2011**	(959896)
Item 38*	September 14, 2011**	(965937)
Item 39	October 03, 2011**	(957950)
Item 40*	October 13, 2011**	(971979)

Item 41*	November 16, 2011**	(978144)
Item 42*	December 16, 2011**	(984915)
Item 43*	January 18, 2012**	(991203)
Item 44	February 17, 2012**	(998570)
Item 45	March 19, 2012**	(1004099)
Item 46*	April 17, 2012**	(1010662)
Item 47*	May 17, 2012**	(1017040)
Item 48*	June 18, 2012**	(1024805)
Item 49*	July 19, 2012**	(1032162)
Item 50	August 10, 2012**	(1013092)
Item 51*	September 17, 2012**	(1047455)
Item 52*	September 24, 2012**	(1038589)
Item 53	October 16, 2012**	(1063972)
Item 54*	November 15, 2012**	(1063973)
Item 55*	December 17, 2012**	(1063974)
Item 56*	February 18, 2013**	(1080280)
Item 57*	March 19, 2013**	(1089930)
Item 58*	April 17, 2013**	(1096325)
Item 59*	May 17, 2013**	(1107269)
Item 60*	June 19, 2013**	(1110934)
Item 61*	July 02, 2013**	(1117805)
Item 62	August 22, 2013**	(1100390)
Item 63*	September 13, 2013	(1130158)
Item 64*	September 18, 2013	(1125592)
Item 65*	October 17, 2013	(1135914)

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2008 and 08/31/2013.



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 conducted on June 19, 2013, TCEQ staff documented an unauthorized discharge of untreated wastewater from the collection system. Specifically, during construction activities conducted on June 17, 2013, a horizontal directional drilling operation collapsed a 24-inch sewer main. The damage caused sewage to back up and overflow the upstream manhole. The Respondent discharged approximately 55,000 to 90,000 gallons of raw sewage into Salatrillo Creek killing approximately 350 fish.
4. The Respondent received notice of the violations on August 26, 2013.
5. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. On June 17, 2013:
    - i. Ceased discharging, constructed berms upstream and downstream of the creek to contain sewage, disinfected the area with sodium hypochlorite, and installed signs at Salatrillo Creek;
    - ii. Pumped sewage and affected creek water back into the collection system; and
    - iii. Relocated live fish to an area downstream and properly disposed of the dead fish.
  - b. By July 8, 2013, the Respondent repaired the sewer line and removed trash and debris from the creekbed.

## 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 an unauthorized discharge of untreated wastewater from the collection system, in violation of TEX. WATER CODE § 26.121(a)(1) and Texas Pollutant Discharge Elimination System Permit No. WQ0010749001, Permit Conditions No. 2.g.
3. 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.

4. An administrative penalty in the amount of Five Thousand Six Hundred Twenty-Five Dollars (\$5,625) 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. The Respondent has paid the Five Thousand Six Hundred Twenty-Five Dollar (\$5,625) administrative penalty.

### 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 Five Thousand Six Hundred Twenty-Five Dollars (\$5,625) as set forth in Section II, Paragraph 4 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 River Authority, Docket No. 2013-1681-WQ-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 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.
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 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.
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 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.
6. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed 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 Agreed 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.

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

Pam Mowen  
For the Executive Director

3/6/14  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of San Antonio River Authority. I am authorized to agree to the attached Agreed Order on behalf of San Antonio River Authority, 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 River Authority 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.

Suzanne Scott  
Signature

11/04/13  
Date

Suzanne Scott  
Name (Printed or typed)  
Authorized Representative of  
San Antonio River Authority

General Manager  
Title

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