

**Executive Summary – Enforcement Matter – Case No. 61476**  
**San Antonio River Authority**  
**RN101514560**  
**Docket No. 2021-1395-MWD-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:**

MWD

**Small Business:**

No

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

Salitrillo Creek, 9638 Schaefer Road, Converse, Bexar County

**Type of Operation:**

Wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** October 20, 2023

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$12,500

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

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

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$12,500

Name of SEP: Community Collection Event (Custom)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - High

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** August 4, 2021 through August 5, 2021

**Date(s) of NOE(s):** October 6, 2021

**Executive Summary – Enforcement Matter – Case No. 61476**  
**San Antonio River Authority**  
**RN101514560**  
**Docket No. 2021-1395-MWD-E**

***Violation Information***

Failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state [TEX. WATER CODE § 26.121(a)(2), 30 TEX. ADMIN. CODE § 305.125(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 implemented the following corrective measures by August 5, 2021:

- a. Ceased the discharge;
- b. Unclogged the blockage in the collection system;
- c. Cleaned and disinfected the affected area;
- d. Removed and disposed of the dead fish; and
- e. Pumped contaminated water from the tributary back into a nearby San Antonio River Authority manhole.

**Technical Requirements:**

The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Cheryl Thompson, Enforcement Division, Enforcement Team 1, MC R-04, (817) 588-5865; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**TCEQ SEP Coordinator:** Adena Crider, SEP Coordinator, Litigation Division, MC 175, (512) 239-0648

**Respondent:** Derek Boese, General Manager, San Antonio River Authority, 100 East Guenther Street, San Antonio, Texas 78204

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	11-Oct-2021			
	<b>PCW</b>	13-Oct-2021	<b>Screening</b>	13-Oct-2021	<b>EPA Due</b>

<b>RESPONDENT/FACILITY INFORMATION</b>					
<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		

<b>CASE INFORMATION</b>					
<b>Enf./Case ID No.</b>	61476	<b>No. of Violations</b>	1		
<b>Docket No.</b>	2021-1395-MWD-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 1		
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000	

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$12,500
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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.

<b>Compliance History</b>	25.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$3,125
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<b>Notes</b>	Enhancement for one order without a denial of liability.
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<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$3,125
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$0	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$2,000	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$12,500
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
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<b>Final Penalty Amount</b>	\$12,500
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$12,500
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<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	No deferral is recommended for Findings Orders.
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<b>PAYABLE PENALTY</b>	\$12,500
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**Screening Date** 13-Oct-2021

**Docket No.** 2021-1395-MWD-E

**PCW**

**Respondent** San Antonio River Authority

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 61476

*PCW Revision February 11, 2021*

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

**Media** Water Quality

**Enf. Coordinator** Cheryl Thompson

### Compliance History Worksheet

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

Component	Number of...	Number	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	1	25%
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 judgments 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%
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)** 25%

#### >> 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**

Enhancement for one order without a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 25%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 25%

**Screening Date** 13-Oct-2021 **Docket No.** 2021-1395-MWD-E **PCW**  
**Respondent** San Antonio River Authority *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 61476 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN101514560  
**Media** Water Quality  
**Enf. Coordinator** Cheryl Thompson

**Violation Number** 1

**Rule Cite(s)** Tex. Water Code § 26.121(a)(2), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010749001 Permit Conditions No. 2.g.

**Violation Description** Failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state. Specifically, on August 4, 2021, a blockage in the collection system caused an overflow at a manhole located approximately 500 feet southwest from the intersection of Kitty Hawk Road and Misti Ridge Drive in Converse, Texas resulting in the discharge of approximately 20,000 gallons of sewage into an unnamed tributary/drainage ditch, killing approximately 23 fish.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual		x			50.0%
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 environmental receptors as a result of the violation.

**Adjustment** \$12,500

\$12,500

**Violation Events**

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$12,500

One monthly event is recommended from the August 4, 2021 unauthorized discharge date to the August 5, 2021 compliance date.

**Good Faith Efforts to Comply**

**25.0%** Reduction \$3,125

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

**Notes** The Respondent achieved compliance by August 5, 2021, prior to the Notice of Enforcement dated October 6, 2021.

**Violation Subtotal** \$9,375

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$0 **Violation Final Penalty Total** \$12,500

**This violation Final Assessed Penalty (adjusted for limits)** \$12,500

# Economic Benefit Worksheet

**Respondent** San Antonio River Authority  
**Case ID No.** 61476  
**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	Costs Saved	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	\$2,000	4-Aug-2021	5-Aug-2021	0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 Estimated Remediation/Disposal cost to cease discharging, unclog the blockage in the collection system, clean and disinfect the affected area, remove and dispose of the dead fish, and pump contaminated water from the tributary back into a nearby San Antonio River Authority manhole. The Date Required is the date of the unauthorized discharge, and the Final Date is the date of compliance.

### Avoided Costs

#### ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$2,000

**TOTAL** \$0



# Compliance History Report

Compliance History Report for CN600790620, RN101514560, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

**Customer, Respondent, or Owner/Operator:** CN600790620, San Antonio River Authority  
**Classification:** SATISFACTORY  
**Rating:** 2.71

**Regulated Entity:** RN101514560, SALITRILLO CREEK  
**Classification:** HIGH  
**Rating:** 0.00

**Complexity Points:** 9  
**Repeat Violator:** NO

**CH Group:** 08 - Sewage Treatment Facilities

**Location:** 9638 Schaefer Road, Converse, Bexar County, Texas

**TCEQ Region:** REGION 13 - SAN ANTONIO

**ID Number(s):**  
**WASTEWATER PERMIT** WQ0010749001  
**WASTEWATER AUTHORIZATION** R10749001  
**STORMWATER PERMIT** TXR05K745  
**WASTEWATER EPA ID** TX0053074  
**WASTEWATER AUTHORIZATION** R10749001A  
**STORMWATER PERMIT** TXR1559HI

**Compliance History Period:** September 01, 2016 to August 31, 2021  
**Rating Year:** 2021  
**Rating Date:** 09/01/2021

**Date Compliance History Report Prepared:** April 22, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** April 22, 2017 to April 22, 2022

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Cheryl Thompson  
**Phone:** (817) 588-5865

## Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five-year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

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

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

- 1 Effective Date: 12/21/2021 ADMINORDER 2020-0336-MWD-E (Findings Order-Agreed Order Without Denial)  
Classification: Major  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
Rqmt Prov: General Requirements (g) PERMIT  
Description: Failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state.

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

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

Item 1	May 16, 2017	(1425818)	Item 8	March 14, 2018	(1491020)
Item 2	June 15, 2017	(1431867)	Item 9	May 10, 2018	(1501218)
Item 3	July 10, 2017	(1376317)	Item 10	June 12, 2018	(1508304)
Item 4	July 17, 2017	(1440440)	Item 11	June 13, 2018	(1561478)
Item 5	November 15, 2017	(1462049)	Item 12	July 12, 2018	(1514636)
Item 6	December 14, 2017	(1468433)	Item 13	September 18, 2018	(1527860)
Item 7	February 12, 2018	(1487346)	Item 14	October 23, 2018	(1519187)

Item 15	November 15, 2018	(1542051)	Item 34	October 15, 2020	(1693854)
Item 16	December 17, 2018	(1545822)	Item 35	November 18, 2020	(1714231)
Item 17	February 20, 2019	(1561476)	Item 36	November 25, 2020	(1690279)
Item 18	March 12, 2019	(1561477)	Item 37	November 30, 2020	(1685833)
Item 19	April 15, 2019	(1572420)	Item 38	December 14, 2020	(1714232)
Item 20	May 16, 2019	(1584452)	Item 39	December 22, 2020	(1714233)
Item 21	June 06, 2019	(1593759)	Item 40	February 16, 2021	(1727296)
Item 22	September 19, 2019	(1606988)	Item 41	March 18, 2021	(1727297)
Item 23	October 11, 2019	(1613835)	Item 42	April 15, 2021	(1727298)
Item 24	October 17, 2019	(1634640)	Item 43	May 18, 2021	(1740946)
Item 25	November 20, 2019	(1619647)	Item 44	June 17, 2021	(1747899)
Item 26	December 17, 2019	(1627013)	Item 45	July 06, 2021	(1752294)
Item 27	February 18, 2020	(1641254)	Item 46	August 13, 2021	(1757740)
Item 28	March 18, 2020	(1647770)	Item 47	September 10, 2021	(1766931)
Item 29	May 20, 2020	(1660691)	Item 48	September 21, 2021	(1777423)
Item 30	June 02, 2020	(1674164)	Item 49	November 15, 2021	(1784220)
Item 31	June 17, 2020	(1667216)	Item 50	December 15, 2021	(1791249)
Item 32	September 08, 2020	(1680937)	Item 51	January 18, 2022	(1799033)
Item 33	September 16, 2020	(1687509)	Item 52	February 14, 2022	(1806909)

**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:**

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
SAN ANTONIO RIVER AUTHORITY  
RN101514560

§ BEFORE THE  
§ TEXAS COMMISSION ON  
§ ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2021-1395-MWD-E

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding San Antonio River Authority (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 Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

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

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

### I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located at 9638 Schaefer Road in Converse, Bexar County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. During an investigation conducted at the Facility from August 4, 2021 through August 5, 2021, an investigator documented that a blockage in the collection system caused an overflow at a manhole located approximately 500 feet southwest of the intersection of Kitty Hawk Road and Misti Ridge Drive in Converse, Texas resulting in the discharge of approximately 20,000 gallons of sewage into an unnamed tributary/drainage ditch, killing approximately 23 fish.
3. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility by August 5, 2021:
  - a. Ceased the discharge;
  - b. Unclogged the blockage in the collection system;
  - c. Cleaned and disinfected the affected area;

- d. Removed and disposed of the dead fish; and
- e. Pumped contaminated water from the tributary back into a nearby San Antonio River Authority manhole.

## II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(2), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010749001, Permit Conditions No. 2.g.
3. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$12,500 is justified by the facts recited in this Order. Pursuant to TEX. WATER CODE § 7.067, \$12,500 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A" - incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

## III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: San Antonio River Authority, Docket No. 2021-1395-MWD-E" to:

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

2. The Respondent shall implement and complete the SEP as set forth in Conclusion of Law No. 4. The amount of \$12,500 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address below:

Enforcement Division, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087
7. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

-----  
For the Commission

-----  
Date

  
-----  
For the Executive Director

11/21/2023  
-----


Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

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

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

  
-----  
Signature

26 SEP 2023  
-----  
Date

DEREK E BOESE  
-----  
Name (Printed or typed)  
Authorized Representative of  
San Antonio River Authority

GENERAL MANAGER  
-----  
Title

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

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

**Attachment A**

**Docket Number: 2021-1395-MWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	San Antonio River Authority
<b>Penalty Amount:</b>	Twelve Thousand Five Hundred Dollars (\$12,500)
<b>SEP Offset Amount:</b>	Twelve Thousand Five Hundred Dollars (\$12,500)
<b>Type of SEP:</b>	Custom
<b>Project Name:</b>	<i>Community Collection Event</i>
<b>Location of SEP:</b>	Wilson County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order in exchange for Respondent’s performance of a Supplemental Environmental Project (“SEP”). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

*A. Project*

Respondent shall hold a one-day event for the collection, recycling, and proper disposal of household hazardous waste (“HHW”), electronic waste (“e-waste”), medical waste, tires, and miscellaneous trash. Respondent shall offer a designated drop-off location at the Wilson County Expo Center in Floresville, Wilson County. During the event, residents will have the opportunity to drop off materials for disposal at no cost to them. Respondent will work with contractors appropriately permitted and authorized to handle and properly dispose of all materials collected. Advertisement will include the event information on postcards mailed to the County residents, on a local billboard, in a local newspaper, and on social media. SEP Credit will not be given for city labor used to facilitate the event.

Specifically, the SEP Offset Amount shall be used for collection, transport, and proper disposal of HHW, e-waste, medical waste, tires, miscellaneous trash, and for advertisement of the event (the “Project”). Respondent shall solicit bids from qualified contractors to perform the Project. Any advertisement, including publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations, including permits that may be required prior to commencement of the SEP. The Commission’s approval and issuance of this Agreed Order shall not itself be construed to authorize any activity for which Respondent is required by statute or rule to obtain authorization from the Commission.

The event will be advertised in at least one newspaper of large circulation in the geographic area to increase public awareness of and participation in the event and will include the required enforcement statement described in Section 6, Publicity.

Respondent shall ensure that the collection event:

1. Is advertised to the public;
2. Occurs during daylight hours;
3. Offers to the public a convenient drop-off location; and

4. Uses personnel or licensed contractors knowledgeable about appropriate methods for the collection, storage, and disposal of potentially hazardous waste.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C. Minimum Expenditure, Estimated Cost Schedule, below. No portion of the SEP Offset Amount shall be spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent’s signature affixed to the attached Agreed Order certifies that Respondent has no prior commitment to perform this Project and that the SEP is being performed solely as part of the terms of settlement in this enforcement action.

*B. Environmental Benefit*

This SEP will provide a discernable environmental benefit by providing a means of properly disposing of municipal solid waste and/or HHW which might otherwise be disposed of in regular landfills, storm drains, sewer systems, or other means detrimental to the environment. This SEP will provide assistance to help rid communities of the dangers and health threats associated with municipal solid waste and/or HHW and will provide for proper and protective disposal or recycling of collected materials.

*C. Minimum Expenditure*

Respondent shall spend at least the SEP Offset Amount to complete the project described in Section 1, above, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project. Costs in excess of the SEP Offset Amount shall not be grounds to relieve Respondent of its obligations to perform this SEP.

**Estimated Cost Schedule**

<b>Item</b>	<b>Quantity</b>	<b>Units</b>	<b>Total</b>
Household Hazardous Waste Disposal	1	Lump Sum	\$48,000
Electronic Waste Disposal	1	Lump Sum	\$17,000
Medical Waste Disposal	1	Lump Sum	\$10,000
Tire Disposal	1	Lump Sum	\$4,400
Advertising	1	Lump Sum	\$1,000
Mailer Printing	1	Lump Sum	\$2,400
Miscellaneous Trash Disposal	1	Lump Sum	\$1,000
USPS Postage	1	Lump Sum	\$3,000
<b>Total</b>			<b>\$86,800</b>

## 2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall complete the SEP in its entirety within 365 days after the effective date of this Agreed Order.

Executive Director (“ED”) staff may grant an extension to any deadline for Respondent’s performance of the SEP described herein, upon a written and substantiated showing of good cause. All requests for extensions must be made by Respondent and shall be made in writing to ED staff. Extensions are not effective until Respondent receives written approval from ED staff. The determination of what constitutes good cause rests solely with ED staff. Extension requests shall be sent to the SEP Coordinator by first class mail and electronic mail, at:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087  
Email: [sepreports@tceq.texas.gov](mailto:sepreports@tceq.texas.gov)

## 3. Records and Reporting

### A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to TCEQ describing actions performed to date to implement the Project. Within 90 days after the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 60-day period and setting forth a schedule for achieving completion of the Project within the 365-day timeframe set forth in Section 2, Performance Schedule, above. Thereafter, Respondent shall submit progress reports to TCEQ containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

**Reporting Schedule**

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
90	Actions completed during previous 60-day period
180	Actions completed during previous 90-day period
270	Actions completed during previous 90-day period
365	Notice of SEP completion

### B. Final Report

Within 365 days after the effective date of the Agreed Order, or within 30 days after completion of the SEP, whichever is earlier, Respondent shall submit a Final Report to TCEQ, which shall include the following:



1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices or receipts corresponding to the itemized list in paragraph 3.B.1., above;
3. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
4. Copies of proof of advertisement of invitation for bids, if applicable;
5. A certified statement of SEP completion and document authentication;
6. Detailed map showing specific location of the project site(s);
7. Dated photographs of the Project showing the collected materials;
8. A count on the type of items collected, e.g., number of televisions, number of tires (by type, such as passenger, truck, etc.), number of appliances (by type), gallons of paint, etc.;
9. Manifest sufficient to show proof of proper disposal and/or recycling of the collected materials;
10. Equipment logs showing the hours the equipment was utilized on the project, if applicable;
11. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project; and
12. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate compliance with this Attachment A.

*C. Address*

Respondent shall submit all SEP reports and any additional information as requested to the SEP Coordinator at the address provided above.

**4. Additional Information and Access**

Respondent shall provide additional information as requested by TCEQ staff and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

**5. Failure to Fully Perform**

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 through 4 above, the ED may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to the SEP Coordinator at the address provided above.

**6. Publicity**

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

**7. Recognition**

Respondent may not seek recognition for this project in any other state or federal regulatory program.

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

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