

**Executive Summary – Enforcement Matter – Case No. 61560**  
**CSWR-Texas Utility Operating Company, LLC**  
**RN101275451 and RN101276806**  
**Docket No. 2021-1483-PWS-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

PWS

**Small Business:**

No

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

Laguna Tres Subdivision Water System, 116 Granada Calle Street, near Granbury, Hood County (Facility No. 1)

Laguna Vista Subdivision, 402 Aqua Vista Drive, near Granbury, Hood County (Facility No. 2)

**Type of Operation:**

Public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** July 22, 2022

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$19,316

**Amount Deferred for Expedited Settlement:** \$3,862

**Total Paid to General Revenue:** \$15,454

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

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - N/A

**Major Source:** Yes

**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:** September 1, 2021

**Date(s) of NOE(s):** October 29, 2021

**Executive Summary – Enforcement Matter – Case No. 61560**  
**CSWR-Texas Utility Operating Company, LLC**  
**RN101275451 and RN101276806**  
**Docket No. 2021-1483-PWS-E**

***Violation Information***

At Facility No. 1:

1. Failed to provide a minimum pressure tank capacity of 20 gallons per connection. Specifically, Facility No. 1 had 226 connections requiring a pressure tank capacity of 4,520 gallons. However, no pressure tank capacity was provided, indicating a 100% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

2. Failed to maintain at the public water system accurate and up-to-date detailed as-built plans or records drawings and specifications for each treatment plant, pump station, and storage tank until the Facility is decommissioned [30 TEX. ADMIN. CODE § 290.46(n)(1)].

3. Failed to maintain all pumps, motors, valves, and other mechanical devices in good working condition. Specifically, the well meter display for Well No. 6 was not registering water flowing through the meter [30 TEX. ADMIN. CODE § 290.46(m)(6)].

At Facility No. 2:

1. Failed to provide a minimum pressure tank capacity of 20 gallons per connection. Specifically, Facility No. 2 had 227 connections requiring a pressure tank capacity of 4,540 gallons. However, no pressure tank capacity was provided, indicating a 100% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

2. Failed to maintain at the public water system accurate and up-to-date detailed as-built plans or records drawings and specifications for each treatment plant, pump station, and storage tank until the Facility is decommissioned [30 TEX. ADMIN. CODE § 290.46(n)(1)].

3. Failed to provide a minimum well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, Facility No. 2 had 227 connections requiring a well capacity of 136 gpm. However, only 116 gpm of well capacity was provided, indicating a 15% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

4. Failed to provide an intruder-resistant fence around all potable water storage tanks and each water treatment plant and related appurtenances that remains locked during periods of darkness and when the Facility is unattended, or a locked building in the fence line which may satisfy this requirement or serve as a gate. Specifically, sections of boards were missing from the fence surrounding the potable water storage tanks and Water Treatment Plant No. 1. Additionally, the strands of barbed wire on the fence surrounding the potable water storage tanks and Water Treatment Plant No. 1 were very loose [30 TEX. ADMIN. CODE §§ 290.43(e) and 290.42(m)].

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***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures:

- a. Replacing the well meter display for Well No. 6 at Facility No. 1 by October 22, 2021; and
- b. Replacing the missing boards and tightening the barbed wire on the fence surrounding the potable water storage tanks and Water Treatment Plant No. 1 at Facility No. 2 by October 22, 2021.

**Technical Requirements:**

- 1. The Respondent shall undertake the following technical requirements at Facility No. 1:
  - a. Within 90 days, compile and maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank.
  - b. Within 105 days, submit written certification to demonstrate compliance with 1.a.
  - c. Within 180 days, provide a pressure tank capacity of at least 20 gallons per connection.
  - d. Within 195 days, submit written certification to demonstrate compliance with 1.c.
- 2. The Respondent shall undertake the following technical requirements at Facility No. 2:
  - a. Within 90 days, compile and maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank.
  - b. Within 105 days, submit written certification to demonstrate compliance with 2.a.
  - c. Within 180 days:
    - i. Provide a pressure tank capacity of at least 20 gallons per connection; and
    - ii. Provide a well capacity of at least 0.6 gpm per connection.
  - d. Within 195 days, submit written certification to demonstrate compliance with 2.c.

**Executive Summary – Enforcement Matter – Case No. 61560**  
**CSWR-Texas Utility Operating Company, LLC**  
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**Docket No. 2021-1483-PWS-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Samantha Salas, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-1543; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Josiah Cox, President, CSWR-Texas Utility Operating Company, LLC, 1650 Des Peres Road, Des Peres, Missouri, 63131-1832

**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>	8-Nov-2021	<b>Screening</b>	10-Nov-2021	<b>EPA Due</b>	
	<b>PCW</b>	17-Nov-2021				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	CSWR-Texas Utility Operating Company, LLC (Laguna Tres Subdivision)
<b>Reg. Ent. Ref. No.</b>	RN101275451
<b>Facility/Site Region</b>	4-Dallas/Fort Worth
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	61560	<b>No. of Violations</b>	3
<b>Docket No.</b>	2021-1483-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Amanda Conner
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$6,250
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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>	0.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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Notes: Since the reduction for one notice of intent to conduct an audit and one disclosure of violations is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$187
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$555  
 Estimated Cost of Compliance: \$5,680  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$6,063
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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.

Notes

<b>Final Penalty Amount</b>	\$6,063
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$6,063
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<b>DEFERRAL</b>	20.0%	Reduction	<b>Adjustment</b>	-\$1,212
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$4,851
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**Screening Date** 10-Nov-2021

**Docket No.** 2021-1483-PWS-E

**PCW**

**Respondent** CSWR-Texas Utility Operating Company, LLC (Laguna Tres Subdivision)

**Case ID No.** 61560

**Reg. Ent. Reference No.** RN101275451

**Media** Public Water Supply

**Enf. Coordinator** Amanda Conner

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

### 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	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 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> )	1	-1%
	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> )	1	-2%
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)**

N/A

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

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

Satisfactory Performer

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

>> **Compliance History Summary**

**Compliance History Notes**

Since the reduction for one notice of intent to conduct an audit and one disclosure of violations is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero.

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

>> **Final Compliance History Adjustment**

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

**Screening Date** 10-Nov-2021 **Docket No.** 2021-1483-PWS-E  
 CSWR-Texas Utility Operating Company, LLC (Laguna Tres Subdivision)

**PCW**

*Policy Revision 5 (January 28, 2021)*

*PCW Revision February 11, 2021*

**Respondent Case ID No.** 61560  
**Reg. Ent. Reference No.** RN101275451  
**Media** Public Water Supply  
**Enf. Coordinator** Amanda Conner

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code § 290.45(b)(1)(C)(iv) and Tex. Health & Safety Code § 341.0315(c)

**Violation Description** Failed to provide a minimum pressure tank capacity of 20 gallons per connection. Specifically, the Facility had 226 connections requiring a pressure tank capacity of 4,520 gallons. However, no pressure tank capacity was provided, indicating a 100% deficiency.

**Base Penalty** \$5,000

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

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

Failure to provide adequate pressure tank capacity could result in water outages and low pressure problems, exposing persons served by the Facility to contaminants which would exceed levels that are protective of human health.

**Adjustment** \$3,500

\$1,500

**Violation Events**

Number of Violation Events 3 70 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$4,500

Three monthly events are recommended, calculated from the September 1, 2021 investigation date to the November 10, 2021 screening date.

**Good Faith Efforts to Comply**

0.0%

Reduction \$0

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

Notes

The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$4,500

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

**Statutory Limit Test**

**Estimated EB Amount** \$539

**Violation Final Penalty Total** \$4,500

**This violation Final Assessed Penalty (adjusted for limits)** \$4,500

# Economic Benefit Worksheet

**Respondent** CSWR-Texas Utility Operating Company, LLC (Laguna Tres Subdivision)  
**Case ID No.** 61560  
**Reg. Ent. Reference No.** RN101275451  
**Media** Public Water Supply  
**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	\$5,000	1-Sep-2021	17-Mar-2023	1.54	\$26	\$513	\$539
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)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to provide a pressure tank capacity of at least 20 gallons per connection, calculated from the investigation date to the estimated 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**

\$5,000

**TOTAL**

\$539



**Screening Date** 10-Nov-2021 **Docket No.** 2021-1483-PWS-E **PCW**  
**Respondent** CSWR-Texas Utility Operating Company, LLC (Laguna Tres Subdivision) *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 61560 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN101275451  
**Media** Public Water Supply  
**Enf. Coordinator** Amanda Conner

**Violation Number** 2  
**Rule Cite(s)** 30 Tex. Admin. Code § 290.46(n)(1)  
**Violation Description** Failed to maintain at the public water system accurate and up-to-date detailed as-built plans or records drawings and specifications for each treatment plant, pump station, and storage tank until the Facility is decommissioned.

**Base Penalty** \$5,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

**>> Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			20.0%
	100% of the rule requirements were not met.				

**Adjustment** \$4,000

\$1,000

**Violation Events**

Number of Violation Events 1 70 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$1,000

One single event is recommended.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

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

Notes: The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$1,000

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$11 **Violation Final Penalty Total** \$1,000

**This violation Final Assessed Penalty (adjusted for limits)** \$1,000

## Economic Benefit Worksheet

**Respondent** CSWR-Texas Utility Operating Company, LLC (Laguna Tres Subdivision)  
**Case ID No.** 61560  
**Reg. Ent. Reference No.** RN101275451  
**Media Violation No.** Public Water Supply  
 2

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	\$180	1-Sep-2021	4-Dec-2022	1.26	\$11	n/a	\$11
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)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 The delayed cost includes the estimated amount to maintain at the public water system, accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank, calculated from the date of the investigation to the estimated 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 \$180

**TOTAL** \$11

**Screening Date** 10-Nov-2021 **Docket No.** 2021-1483-PWS-E **PCW**  
**Respondent** CSWR-Texas Utility Operating Company, LLC (Laguna Tres Subdivision) *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 61560 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN101275451  
**Media** Public Water Supply  
**Enf. Coordinator** Amanda Conner

**Violation Number** 3  
**Rule Cite(s)** 30 Tex. Admin. Code § 290.46(m)(6)  
**Violation Description** Failed to maintain all pumps, motors, valves, and other mechanical devices in good working condition. Specifically, the well meter display for Well No. 6 was not registering water flowing through the meter.

**Base Penalty** \$5,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				15.0%
	Potential		x		

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

**Matrix Notes** Failure to maintain the well meter display in good working condition could result in inaccurate or unavailable water usage and production data, resulting in persons being exposed to a significant amount of contaminants which would not exceed levels protective of human health.

**Adjustment** \$4,250

\$750

**Violation Events**

Number of Violation Events 1 51 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$750

One quarterly event is recommended, calculated from the September 1, 2021 investigation date to the October 22, 2021 compliance date.

**Good Faith Efforts to Comply** 25.0% Reduction \$187

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

**Notes** The Respondent achieved compliance on October 22, 2021.

**Violation Subtotal** \$563

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$5 **Violation Final Penalty Total** \$563

**This violation Final Assessed Penalty (adjusted for limits)** \$563

## Economic Benefit Worksheet

**Respondent** CSWR-Texas Utility Operating Company, LLC (Laguna Tres Subdivision)  
**Case ID No.** 61560  
**Reg. Ent. Reference No.** RN101275451  
**Media Violation No.** Public Water Supply  
 3

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	\$500	1-Sep-2021	22-Oct-2021	0.14	\$0	\$5	\$5
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)				0.00	\$0	n/a	\$0

#### Notes for DELAYED costs

The delayed cost includes the estimated amount to repair or replace the well meter display at Well No. 6, calculated from the date of the investigation to 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

\$500

**TOTAL**

\$5



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	8-Nov-2021		
	<b>PCW</b>	18-Nov-2021	<b>Screening</b>	10-Nov-2021
			<b>EPA Due</b>	

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	CSWR-Texas Utility Operating Company, LLC (Laguna Vista Subdivision)
<b>Reg. Ent. Ref. No.</b>	RN101276806
<b>Facility/Site Region</b>	4-Dallas/Fort Worth
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	61560	<b>No. of Violations</b>	4
<b>Docket No.</b>	2021-1483-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Amanda Conner
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$7,000</b>
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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>	<b>92.0%</b> Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$6,440</b>
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Notes: Enhancement for one agreed order containing a denial of liability and three agreed orders without a denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

<b>Culpability</b>	No	<b>0.0%</b> Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>-\$187</b>
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<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$1,098  
 Estimated Cost of Compliance: \$11,180  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$13,253</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b> Adjustment	<b>\$0</b>
---	------------------------	------------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$13,253</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$13,253</b>
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<b>DEFERRAL</b>	<b>20.0%</b> Reduction	<b>Adjustment</b>	<b>-\$2,650</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$10,603</b>
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**Screening Date** 10-Nov-2021

**Docket No.** 2021-1483-PWS-E

**PCW**

**Respondent** CSWR-Texas Utility Operating Company, LLC (Laguna Vista

**Case ID No.** 61560

*Policy Revision 5 (January 28, 2021)*

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN101276806

**Media** Public Water Supply

**Enf. Coordinator** Amanda Conner

### 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> )	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	3	75%
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> )	1	-1%
	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> )	1	-2%
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)** 92%

#### >> Repeat Violator (Subtotal 3)

N/A

**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 agreed order containing a denial of liability and three agreed orders without a denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 92%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 92%

Screening Date 10-Nov-2021

Docket No. 2021-1483-PWS-E

PCW

Respondent CSWR-Texas Utility Operating Company, LLC (Laguna Vista Subdivision)

Policy Revision 5 (January 28, 2021)

Case ID No. 61560

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101276806

Media Public Water Supply

Enf. Coordinator Amanda Conner

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(iv) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to provide a minimum pressure tank capacity of 20 gallons per connection. Specifically, the Facility had 227 connections requiring a pressure tank capacity of 4,540 gallons. However, no pressure tank capacity was provided, indicating a 100% deficiency.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (30.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0.0%).

Matrix Notes

Failure to provide adequate pressure tank capacity could result in water outages and low pressure problems, exposing persons served by the Facility to contaminants which would exceed levels that are protective of human health.

Adjustment \$3,500

\$1,500

Violation Events

Number of Violation Events 3 Number of violation days 70

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event), Count.

Violation Base Penalty \$4,500

Three monthly events are recommended, calculated from the September 1, 2021 investigation date to the November 10, 2021 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Table with columns: Effort Type (Extraordinary, Ordinary, N/A), Count.

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$4,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$539

Violation Final Penalty Total \$8,640

This violation Final Assessed Penalty (adjusted for limits) \$8,640

# Economic Benefit Worksheet

**Respondent** CSWR-Texas Utility Operating Company, LLC (Laguna Vista Subdivision)  
**Case ID No.** 61560  
**Reg. Ent. Reference No.** RN101276806  
**Media** Public Water Supply  
**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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### Delayed Costs

Equipment	\$5,000	1-Sep-2021	17-Mar-2023	1.54	\$26	\$513	\$539
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)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to provide a pressure tank capacity of at least 20 gallons per connection, calculated from the investigation date to the estimated 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**

\$5,000

**TOTAL**

\$539



**Screening Date** 10-Nov-2021 **Docket No.** 2021-1483-PWS-E **PCW**  
**Respondent** CSWR-Texas Utility Operating Company, LLC (Laguna Vista Subdivision) *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 61560 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN101276806  
**Media** Public Water Supply  
**Enf. Coordinator** Amanda Conner

**Violation Number** 2  
**Rule Cite(s)** 30 Tex. Admin. Code § 290.46(n)(1)  
**Violation Description** Failed to maintain at the public water system accurate and up-to-date detailed as-built plans or records drawings and specifications for each treatment plant, pump station, and storage tank until the Facility is decommissioned.

**Base Penalty** \$5,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> **Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			20.0%
	100% of the rule requirements were not met.				

**Adjustment** \$4,000

\$1,000

**Violation Events**

Number of Violation Events 1 70 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$1,000

One single event is recommended.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

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

Notes: The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$1,000

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount \$11	Violation Final Penalty Total \$1,920
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$1,920	

## Economic Benefit Worksheet

**Respondent** CSWR-Texas Utility Operating Company, LLC (Laguna Vista Subdivision)  
**Case ID No.** 61560  
**Reg. Ent. Reference No.** RN101276806  
**Media Violation No.** Public Water Supply  
 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### 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	\$180	1-Sep-2021	4-Dec-2022	1.26	\$11	n/a	\$11
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)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 The delayed cost includes the estimated amount to maintain at the public water system, accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank, calculated from the date of the investigation to the estimated 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 \$180

**TOTAL** \$11

**Screening Date** 10-Nov-2021 **Docket No.** 2021-1483-PWS-E **PCW**  
**Respondent** CSWR-Texas Utility Operating Company, LLC (Laguna Vista Subdivision) *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 61560 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN101276806  
**Media** Public Water Supply  
**Enf. Coordinator** Amanda Conner

**Violation Number** 3  
**Rule Cite(s)** 30 Tex. Admin. Code § 290.45(b)(1)(C)(i) and Tex. Health & Safety Code § 341.0315(c)  
**Violation Description** Failed to provide a minimum well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, the Facility had 227 connections requiring a well capacity of 136 gpm. However, only 116 gpm of well capacity was provided, indicating a 15% deficiency.

**Base Penalty** \$5,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				15.0%
	Potential		x		

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

**Matrix Notes** Failure to provide adequate well capacity could expose persons served by the Facility to a significant amount of contaminants that would not exceed levels that are protective of human health.

**Adjustment** \$4,250

\$750

**Violation Events**

Number of Violation Events 1 70 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$750

One quarterly event is recommended, calculated from the September 1, 2021 investigation date to the November 10, 2021 screening date.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

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

**Notes** The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$750

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$539 **Violation Final Penalty Total** \$1,440

**This violation Final Assessed Penalty (adjusted for limits)** \$1,440

# Economic Benefit Worksheet

**Respondent** CSWR-Texas Utility Operating Company, LLC (Laguna Vista Subdivision)  
**Case ID No.** 61560  
**Reg. Ent. Reference No.** RN101276806  
**Media Violation No.** Public Water Supply  
 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$5,000	1-Sep-2021	17-Mar-2023	1.54	\$26	\$513	\$539
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide a well capacity of at least 0.6 gpm per connection, calculated from the date of the investigation to the estimated 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

\$5,000

**TOTAL**

\$539

**Screening Date** 10-Nov-2021 **Docket No.** 2021-1483-PWS-E **PCW**  
**Respondent** CSWR-Texas Utility Operating Company, LLC (Laguna Vista Subdivision) *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 61560 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN101276806  
**Media** Public Water Supply  
**Enf. Coordinator** Amanda Conner

**Violation Number** 4  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 290.43(e) and 290.42(m)  
**Violation Description** Failed to provide an intruder-resistant fence around all potable water storage tanks and each water treatment plant and related appurtenances that remains locked during periods of darkness and when the Facility is unattended, or a locked building in the fence line which may satisfy this requirement or serve as a gate. Specifically, sections of boards were missing from the fence surrounding the potable water storage tanks and Water Treatment Plant No. 1. Additionally, the strands of barbed wire on the fence surrounding the potable water storage tanks and Water Treatment Plant No. 1 were very loose.

**Base Penalty** \$5,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				15.0%
	Potential		x		

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

**Matrix Notes** Failure to protect the potable water storage tanks and water treatment plant could result in contamination of the facilities by trespassers exposing persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

**Adjustment** \$4,250

\$750

**Violation Events**

Number of Violation Events 1 51 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$750

One quarterly event is recommended, calculated from the September 1, 2021 investigation date to the October 22, 2021 compliance date.

**Good Faith Efforts to Comply** 25.0% Reduction \$187

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

**Notes** The Respondent achieved compliance on October 22, 2021.

**Violation Subtotal** \$563

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$9 **Violation Final Penalty Total** \$1,253

**This violation Final Assessed Penalty (adjusted for limits)** \$1,253

# Economic Benefit Worksheet

**Respondent** CSWR-Texas Utility Operating Company, LLC (Laguna Vista Subdivision)  
**Case ID No.** 61560  
**Reg. Ent. Reference No.** RN101276806  
**Media** Public Water Supply  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	1-Sep-2021	22-Oct-2021	0.14	\$0	\$9	\$9
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)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs** The delayed cost includes the estimated amount to repair the intruder-resistant fencing surrounding the potable water storage tanks and Water Treatment Plant No. 1, calculated from the investigation date to 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** \$1,000

**TOTAL** \$9

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# Compliance History Report

Compliance History Report for CN605844786, RN101275451, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

**Customer, Respondent, or Owner/Operator:** CN605844786, CSWR-TEXAS UTILITY OPERATING COMPANY, LLC **Classification:** SATISFACTORY **Rating:** 26.32  
**Regulated Entity:** RN101275451, LAGUNA TRES SUBDIVISION WATER SYSTEM **Classification:** NOT APPLICABLE **Rating:** N/A  
**Complexity Points:** N/A **Repeat Violator:** N/A  
**CH Group:** 14 - Other  
**Location:** 116 Granada Calle Street near Granbury, Hood County, Texas  
**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):**

**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 1110019 **WATER LICENSING LICENSE** 1110019

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

**Date Compliance History Report Prepared:** February 24, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** February 24, 2017 to February 24, 2022

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

**Name:** Amanda Conner

**Phone:** (512) 239-2521

**Site and Owner/Operator History:**

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

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

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

N/A

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

**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:**

Notice of Intent Date: 01/19/2021 (1710315)

Disclosure Date: 02/12/2021

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)

Description: Failed to secure the well.  
Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(1)

Description: Failed to ensure a tank tag.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failed to prevent debris in the pump room.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)

Description: Failed to prevent exposed wires outside the pump room.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failed to prevent debris in well sites.

Disclosure Date: 07/20/2021

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(B)

30 TAC Chapter 290, SubChapter D 290.47(f)

Description: Failed to establish an adequate cross-connection prevention program denoting appropriate backflow prevention devices and testing requirements.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(i)

Description: Failed to establish a retail service agreement.

**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



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# Compliance History Report

Compliance History Report for CN605844786, RN101276806, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

**Customer, Respondent, or Owner/Operator:** CN605844786, CSWR-TEXAS UTILITY OPERATING COMPANY, LLC      **Classification:** SATISFACTORY      **Rating:** 26.32  
**Regulated Entity:** RN101276806, LAGUNA VISTA SUBDIVISION      **Classification:** NOT APPLICABLE      **Rating:** N/A  
**Complexity Points:** N/A      **Repeat Violator:** N/A  
**CH Group:** 14 - Other  
**Location:** 402 Aqua Vista Drive near Granbury, Hood County, Texas  
**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION**  
1110095

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

**Date Compliance History Report Prepared:** February 24, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** February 24, 2017 to February 24, 2022

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

**Name:** Amanda Conner

**Phone:** (512) 239-2521

## 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? YES
- 3) Who is the current owner/operator? CSWR-TEXAS UTILITY OPERATING COMPANY, LLC OWNER since 4/20/2021
- 4) Who was/were the prior owner(s)/operator(s)? Laguna Vista, Limited, OWNER, 3/3/2016 to 4/19/2021

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

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

- 1      Effective Date: 08/22/2017      ADMINORDER 2017-0476-PWS-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)  
30 TAC Chapter 290, SubChapter D 290.46(r)  
Description: Failure to provide a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system under normal operating conditions.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(q)(1)  
30 TAC Chapter 290, SubChapter D 290.46(q)(2)  
Description: Failure to issue a boil water notification to the customers of the Facility within 24 hours of a low pressure event or water outage using the prescribed format in 30 Tex. Admin. Code § 290.47(c).
- 2      Effective Date: 02/19/2019      ADMINORDER 2017-1645-PWS-E (Findings Order-Agreed Order Without Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.110(b)(4)  
Description: Failed to maintain a minimum disinfectant residual of 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times.  
Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)

Description: Failed to install backflow prevention assemblies or an air gap at all residences or establishments where an actual or potential contamination hazard exists, as identified in 30 TEX. ADMIN. CODE § 290.47(f).

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)

Rqmt Prov: Provision 2.c.i ORDER

Description: Failed to receive an approval from the Executive Director prior to making any significant change to addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities, and comply with a Commission Order (Agreed Order 2016-0400-PWS-E effective on September 20, 2016) Ordering Provision 2.c.i.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i)

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

Rqmt Prov: Ordering Provision 2.c.i.i. ORDER

Description: Failure to provide a well capacity of 0.6 gallons per minute (gpm) per connection and comply with a Commission Order (Agreed Order 2016-0400-PWS-E effective on September 20, 2016) Ordering Provision 2.c.i.i.

3 Effective Date: 06/18/2019 ADMINORDER 2018-0845-PWS-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)

30 TAC Chapter 290, SubChapter F 290.110(b)(4)

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

Description: Failed to maintain a minimum disinfectant residual of 0.2 milligrams per liter ("mg/L") free chlorine throughout the distribution system at all times. Specifically, on April 17, 2018, a free chlorine residual of 0.0 mg/L was measured at 606 Monterrey Court.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment. Specifically, the intruder-resistant fence at the remote well and at the pump station were broken, a pile of trash was at the pump station, and the cover for the overflow pipe was not properly installed.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(5)

Description: Failed to properly cover the hypochlorination solution container to protect it from dust, insects, and other contaminants.

4 Effective Date: 04/27/2020 ADMINORDER 2018-1291-PWS-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)

30 TAC Chapter 290, SubChapter D 290.46(r)

Description: Failed to provide a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system under normal operating conditions and 20 psi during emergencies such as fire fighting. Specifically, during the investigation between June 28, 2018 and August 3, 2018, a pressure recorder located on the distribution line along Bonita Court documented that the pressure dropped below 20 psi.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(q)

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

Description: Failed to institute special precautions, protective measures, and boil water notices in the event of low distribution pressures (below 20 psi), water outages, microbiological samples found to contain Escherichia coli (E. coli) (or other approved fecal indicator), failure to maintain adequate disinfectant residuals, elevated finished water turbidity levels, or other conditions which indicate that the potability of the drinking water supply has been compromised. Specifically, a pressure recorder.

## B. Criminal convictions:

N/A

## C. Chronic excessive emissions events:

N/A

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

Item 4	February 27, 2018	(1467454)
Item 6	June 08, 2018	(1486452)
Item 8	July 11, 2018	(1499053)
Item 10	December 12, 2018	(1532032)

Item 14	October 24, 2019	(1596897)
Item 15	May 19, 2021	(1722466)

**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:**

Notice of Intent Date: 01/19/2021 (1710319)

Disclosure Date: 02/12/2021

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41

Description: Failed to ensure wells are secured.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to prevent debris in well sites.

Disclosure Date: 07/20/2021

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(B)

30 TAC Chapter 290, SubChapter D 290.47(f)

Description: Failed to establish an adequate cross-connection prevention program denoting appropriate backflow prevention devices and testing requirements.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(i)

Description: Failed to establish a retail service agreement.

**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  
CSWR-TEXAS UTILITY  
OPERATING COMPANY, LLC  
RN101275451 AND RN101276806**

**§  
§  
§  
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§**

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2021-1483-PWS-E**

**I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding CSWR-Texas Utility Operating Company, LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates public water supplies that provide water for human consumption, have approximately 226 and 227 connections respectively, and serve at least 25 people per day for at least 60 days per year at the following locations (the "Facilities"):
  - a. Laguna Tres Subdivision Water System located at 116 Granada Calle Street near Granbury, Hood County, Texas ("Facility No. 1"); and
  - b. Laguna Vista Subdivision located at 402 Aqua Vista Drive near Granbury, Hood County, Texas ("Facility No. 2").

As such, each Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(71).

2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE § 7.002 and TEX. HEALTH & SAFETY CODE § 341.049, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

4. An administrative penalty in the amount of \$19,316 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$15,454 of the penalty and \$3,862 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facilities:
  - a. By replacing the well meter display for Well No. 6 at Facility No. 1 by October 22, 2021; and
  - b. By replacing the missing boards and tightening the barbed wire on the fence surrounding the potable water storage tanks and Water Treatment Plant No. 1 at Facility No. 2 by October 22, 2021.

## **II. ALLEGATIONS**

1. During an investigation conducted on September 1, 2021 at Facility No. 1, an investigator documented that the Respondent:
  - a. Failed to provide a minimum pressure tank capacity of 20 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, Facility No. 1 had 226 connections requiring a pressure tank capacity of 4,520 gallons. However, no pressure tank capacity was provided, indicating a 100% deficiency.

- b. Failed to maintain at the public water system accurate and up-to-date detailed as-built plans or records drawings and specifications for each treatment plant, pump station, and storage tank until the Facility is decommissioned, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(1).
  - c. Failed to maintain all pumps, motors, valves, and other mechanical devices in good working condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(6). Specifically, the well meter display for Well No. 6 was not registering water flowing through the meter.
2. During an investigation conducted on September 1, 2021 at Facility No. 2, an investigator documented that the Respondent:
- a. Failed to provide a minimum pressure tank capacity of 20 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, Facility No. 2 had 227 connections requiring a pressure tank capacity of 4,540 gallons. However, no pressure tank capacity was provided, indicating a 100% deficiency.
  - b. Failed to maintain at the public water system accurate and up-to-date detailed as-built plans or records drawings and specifications for each treatment plant, pump station, and storage tank until the Facility is decommissioned, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(1).
  - c. Failed to provide a minimum well capacity of 0.6 gallons per minute ("gpm") per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, Facility No. 2 had 227 connections requiring a well capacity of 136 gpm. However, only 116 gpm of well capacity was provided, indicating a 15% deficiency.
  - d. Failed to provide an intruder-resistant fence around all potable water storage tanks and each water treatment plant and related appurtenances that remains locked during periods of darkness and when the Facility is unattended, or a locked building in the fence line which may satisfy this requirement or serve as a gate, in violation of 30 TEX. ADMIN. CODE §§ 290.43(e) and 290.42(m). Specifically, sections of boards were missing from the fence surrounding the potable water storage tanks and Water Treatment Plant No. 1. Additionally, the strands of barbed wire on the fence surrounding the potable water storage tanks and Water Treatment Plant No. 1 were very loose.

### **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

### **IV. ORDERING PROVISIONS**

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: CSWR-Texas Utility Operating Company, LLC, Docket No. 2021-1483-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements at Facility No. 1:
  - a. Within 90 days after the effective date of this Order, compile and maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank, in accordance with 30 TEX. ADMIN. CODE § 290.46.
  - b. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.d below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
  - c. Within 180 days after the effective date of this Order, provide a pressure tank capacity of at least 20 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
  - d. Within 195 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951

3. The Respondent shall undertake the following technical requirements at Facility No. 2:
  - a. Within 90 days after the effective date of this Order, compile and maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank, in accordance with 30 TEX. ADMIN. CODE § 290.46.
  - b. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.d above, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.
  - c. Within 180 days after the effective date of this Order:
    - i. Provide a pressure tank capacity of at least 20 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
    - ii. Provide a well capacity of at least 0.6 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
  - d. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.d above, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.c.i and 3.c.ii.
4. All relief not expressly granted in this Order is denied.
5. 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.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent



shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.

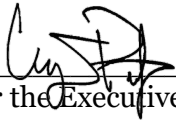
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. 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.
9. 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



\_\_\_\_\_  
3/10/2023

\_\_\_\_\_  
For the Executive Director

\_\_\_\_\_  
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.

  
[Josiah Cox \(Jan 26, 2023 08:42 CST\)](#)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Jan 26, 2023

\_\_\_\_\_  
Date

\_\_\_\_\_  
Josiah Cox

\_\_\_\_\_  
President

\_\_\_\_\_  
Name (Printed or typed)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Authorized Representative of  
CSWR-Texas Utility Operating Company, LLC

*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.