

Executive Summary – Enforcement Matter – Case No. 61719
CSWR-Texas Utility Operating Company, LLC
RN101244960
Docket No. 2022-0027-PWS-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

Meadowview Estates, 2105 Lauren Lane near Sealy, Austin County

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: October 21, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$11,000

Amount Deferred for Expedited Settlement: \$2,200

Total Paid to General Revenue: \$8,800

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 30, 2021

Date(s) of NOE(s): December 9, 2021

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RN101244960
Docket No. 2022-0027-PWS-E

Violation Information

1. Failed to notify the Executive Director (“ED”) in writing as to the completion of a water works project and attest to the fact that the completed work is substantially in accordance with the plans and specifications on file with the Commission. Specifically, on February 14, 2000, the Respondent was approved for a 2,500-gallon pressure tank, but a 3,000-gallon pressure tank was observed [30 TEX. ADMIN. CODE § 290.39(h)(3) and (j)(1)(A) and TEX. HEALTH & SAFETY CODE § 341.0351].
2. Failed to obtain approval from the ED for the use of interconnections. Specifically, the water system did not obtain approval for the use of the interconnection with Meadowview Estates II [30 TEX. ADMIN. CODE § 290.46(k)].
3. Failed to provide a total storage capacity of 200 gallons per connection. Specifically, the Facility had 54 connections requiring a storage capacity of 10,800 gallons. However, no storage capacity was provided, indicating a 100% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
4. Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute (“gpm”) per connection. Specifically, the Facility had 54 connections requiring a service pump capacity of 108 gpm. However, no service pump capacity was provided, indicating a 100% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 180 days:
 - i. Submit to the ED for review and approval plans and specifications for the 3,000-gallon pressure tank;
 - ii. Submit to the ED for review and approval plans and specifications for the interconnection with Meadowview Estates II;
 - iii. Provide a pressure tank capacity of at least 20 gallons per connection; and
 - iv. Provide two or more service pumps having a total capacity of 2.0 gpm per connection.

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- b. Within 195 days, submit written certification to demonstrate compliance with a.
- c. Within 270 days:
 - i. Obtain approval of the plans of specifications for the 3,000-gallon pressure tank; and
 - ii. Obtain approval from the ED for the interconnections with Meadowview Estates II.
- d. Within 285 days, submit written certification to demonstrate compliance with c.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Samantha Duncan, Enforcement Division,
Enforcement Team 4, MC R-04, (817) 588-5805; Michael Parrish, Enforcement Division,
MC 219, (512) 239-2548

Respondent: Josiah M. Cox, President, CSWR-Texas Utility Operating Company, LLC,
1650 Des Peres Road, Suite 303, Saint Louis, Missouri 63131

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	13-Dec-2021	Screening	21-Dec-2021	EPA Due	
	PCW	5-Jan-2022				

RESPONDENT/FACILITY INFORMATION	
Respondent	CSWR-Texas Utility Operating Company, LLC
Reg. Ent. Ref. No.	RN101244960
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION		No. of Violations	4
Enf./Case ID No.	61719	Order Type	1660
Docket No.	2022-0027-PWS-E	Government/Non-Profit	No
Media Program(s)	Public Water Supply	Enf. Coordinator	Julianne Matthews
Multi-Media		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$11,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0.0% Adjustment	Subtotals 2, 3, & 7	\$0
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Notes: Enhancement for one NOV with a dissimilar violation. Reduction for one notice of intent to conduct an audit and one audit in which violations were disclosed.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$3,938
 Estimated Cost of Compliance: \$32,720
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$11,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$11,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$11,000
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DEFERRAL	20.0%	Reduction Adjustment	-\$2,200
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$8,800
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Screening Date 21-Dec-2021

Docket No. 2022-0027-PWS-E

PCW

Respondent CSWR-Texas Utility Operating Company, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 61719

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101244960

Media Public Water Supply

Enf. Coordinator Julianne Matthews

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	1	2%
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

Enhancement for one NOV with a dissimilar violation. Reduction for one notice of intent to conduct an audit and one audit in which violations were disclosed.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 21-Dec-2021
Respondent CSWR-Texas Utility Operating Company, LLC

Docket No. 2022-0027-PWS-E

PCW

Policy Revision 5 (January 28, 2021)
PCW Revision February 11, 2021

Case ID No. 61719
Reg. Ent. Reference No. RN101244960
Media Public Water Supply
Enf. Coordinator Julianne Matthews

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.39(h)(3) and (j)(1)(A) and Tex. Health & Safety Code § 341.0351

Violation Description

Failed to notify the Executive Director in writing as to the completion of a water works project and attest to the fact that the completed work is substantially in accordance with the plans and specifications on file with the Commission. Specifically, on February 14, 2000, the Respondent was approved for a 2,500-gallon pressure tank, but a 3,000-gallon pressure tank was observed at the Facility.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			20.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$4,000

\$1,000

Violation Events

Number of Violation Events 1 82 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 \$151

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
Case ID No. 61719
Reg. Ent. Reference No. RN101244960
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	30-Sep-2021	4-Oct-2023	2.01	\$151	n/a	\$151

Notes for DELAYED costs
 The delayed cost includes the estimated amount to submit to the Executive Director for review and approval plans and specification for the 3,000-gallon pressure 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
 (This section is currently blank)

Approx. Cost of Compliance \$1,500

TOTAL \$151

Screening Date 21-Dec-2021
Respondent CSWR-Texas Utility Operating Company, LLC

Docket No. 2022-0027-PWS-E

PCW

Policy Revision 5 (January 28, 2021)
PCW Revision February 11, 2021

Case ID No. 61719
Reg. Ent. Reference No. RN101244960
Media Public Water Supply
Enf. Coordinator Julianne Matthews

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.46(k)

Violation Description Failed to obtain approval from the Executive Director for the use of interconnections. Specifically, the water system did not obtain approval for the use of the interconnection with Meadowview Estates II.

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%

Matrix Notes 100% of the rule requirements were not met.

Adjustment \$4,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 82

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 \$302 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
Case ID No. 61719
Reg. Ent. Reference No. RN101244960
Media Public Water Supply
Violation No. 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				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)	\$3,000	30-Sep-2021	4-Oct-2023	2.01	\$302	n/a	\$302

Notes for DELAYED costs

The delayed cost includes the estimated amount to submit and obtain approval for the interconnection with Meadowview Estates II, 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 \$3,000

TOTAL \$302

Screening Date 21-Dec-2021
Respondent CSWR-Texas Utility Operating Company, LLC

Docket No. 2022-0027-PWS-E

PCW

Policy Revision 5 (January 28, 2021)
PCW Revision February 11, 2021

Case ID No. 61719
Reg. Ent. Reference No. RN101244960
Media Public Water Supply
Enf. Coordinator Julianne Matthews

Violation Number 3

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

Violation Description Failed to provide a total storage capacity of 200 gallons per connection. Specifically, the Facility had 54 connections requiring a storage capacity of 10,800 gallons. However, no storage 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

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%

Matrix Notes Failure to provide adequate storage capacity could expose persons served by the Facility to contaminants which would exceed levels protective of human health.

Adjustment \$3,500

\$1,500

Violation Events

Number of Violation Events 3 82 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 30, 2021 investigation date to the December 21, 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 \$2,868

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
Case ID No. 61719
Reg. Ent. Reference No. RN101244960
Media Public Water Supply
Violation No. 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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$23,220	30-Sep-2021	6-Jul-2023	1.76	\$137	\$2,731	\$2,868
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 total storage capacity of at least 200 gallons per connection (\$2.15 x 10,800 gallons), 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
 (Empty box for notes)

Approx. Cost of Compliance	\$23,220	TOTAL	\$2,868
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Screening Date 21-Dec-2021
Respondent CSWR-Texas Utility Operating Company, LLC

Docket No. 2022-0027-PWS-E

PCW

Policy Revision 5 (January 28, 2021)
PCW Revision February 11, 2021

Case ID No. 61719
Reg. Ent. Reference No. RN101244960
Media Public Water Supply
Enf. Coordinator Julianne Matthews

Violation Number 4

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

Violation Description

Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, the Facility had 54 connections requiring a service pump capacity of 108 gpm. However, no service pump 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

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Matrix Notes

Failure to provide adequate service pump capacity could expose persons served by the Facility to contaminants which would exceed levels protective of human health.

Adjustment \$3,500

\$1,500

Violation Events

Number of Violation Events 3 Number of violation days 82

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$4,500

Three monthly events are recommended, calculated from the September 30, 2021 investigation date to the December 21, 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 \$617

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
Case ID No. 61719
Reg. Ent. Reference No. RN101244960
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
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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	\$5,000	30-Sep-2021	6-Jul-2023	1.76	\$29	\$588	\$617
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 two or more service pumps with a total capacity of at least 2.0 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
 (Empty box for notes)

Approx. Cost of Compliance \$5,000

TOTAL \$617



Compliance History Report

Compliance History Report for CN605844786, RN101244960, 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: RN101244960, MEADOWVIEW ESTATES **Classification:** NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 14 - Other

Location: 2105 LAUREN LANE NEAR SEALY, AUSTIN COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
0080051

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

Date Compliance History Report Prepared: June 03, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 03, 2017 to June 03, 2022

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

Name: Julianne Matthews

Phone: (817) 588-5861

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.):

N/A

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.

- 1 Date: 08/09/2021 (1745557)
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(iv)
Description: Failure to provide copies of Customer Service Inspection reports.

F. Environmental audits:

Notice of Intent Date: 02/08/2021 (1710248)

Disclosure Date: 02/08/2021

Viol. Classification: Moderate

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

Description: Failed to provide an adequate source sample tap.

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
RN101244960**

**§
§
§
§
§
§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2022-0027-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 a public water supply located at 2105 Lauren Lane near Sealy, Austin County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 54 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the 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 \$11,000 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$8,800 of the penalty and \$2,200 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.

II. ALLEGATIONS

During an investigation at the Facility conducted on September 30, 2021, an investigator documented that the Respondent:

1. Failed to notify the Executive Director in writing as to the completion of a water works project and attest to the fact that the completed work is substantially in accordance with the plans and specifications on file with the Commission, in violation of 30 TEX. ADMIN. CODE § 290.39(h)(3) and (j)(1)(A) and TEX. HEALTH & SAFETY CODE § 341.0351. Specifically, on February 14, 2000, the Respondent was approved for a 2,500-gallon pressure tank, but a 3,000-gallon pressure tank was observed at the Facility.
2. Failed to obtain approval from the Executive Director for the use of interconnections, in violation of 30 TEX. ADMIN. CODE § 290.46(k). Specifically, the water system did not obtain approval for the use of the interconnection with Meadowview Estates II.
3. Failed to provide a total storage capacity of 200 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Facility had 54 connections requiring a storage capacity of 10,800 gallons. However, no storage capacity was provided, indicating a 100% deficiency.
4. Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Facility had 54 connections requiring a service pump capacity of 108 gpm. However, no service pump capacity was provided, indicating a 100% deficiency.

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. 2022-0027-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:
 - a. Within 180 days after the effective date of this Order:

- i. Submit to the Executive Director for review and approval plans and specifications for the 3,000-gallon pressure tank, in accordance with 30 TEX. ADMIN. CODE § 290.39. The plans and specifications shall be submitted to:

Plan Review Team
Water Supply Division, MC 159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- ii. Submit to the Executive Director for review and approval plans and specifications for the interconnection with Meadowview Estates II, in accordance with 30 TEX. ADMIN. CODE § 290.46. The plans and specifications shall be submitted to the Plan Review Team at the address listed in Ordering Provision No. 2.a.i.

Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning plans and specifications within 15 days after the date of such requests, or by any other deadline specified in writing;

- iii. Provide a pressure tank capacity of at least 20 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - iv. Provide two or more service pumps having a total capacity of 2.0 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- b. Within 195 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 Nos. 2.a.i through 2.a.iv.
- c. Within 270 days after the effective date of this Order:
- i. Obtain approval of the plans of specifications for the 3,000-gallon pressure tank, in accordance with 30 TEX. ADMIN. CODE § 290.39; and
 - ii. Obtain approval from the Executive Director for the interconnections with Meadowview Estates II, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- d. Within 285 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 Nos. 2.c.i and 2.c.ii. 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:

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

with a copy to:

Water Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

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. 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.
6. 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.
7. 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.
8. 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



12/5/2022

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.

Signature

Date

Josiah Cox

9-9-2022

Name (Printed or typed)

Title

Authorized Representative of
CSWR-Texas Utility Operating Company, LLC

president

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.