

**Executive Summary – Enforcement Matter – Case No. 62574**  
**CSWR-Texas Utility Operating Company, LLC**  
**RN101264372**  
**Docket No. 2022-0820-MLM-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MLM – PWS, WR

**Small Business:**

No

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

Franklin Water Systems 3, 4813 Idalou Road, Lubbock, Lubbock 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:** March 29, 2024

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$37,250

**Amount Deferred for Expedited Settlement:** \$7,450

**Total Paid to General Revenue:** \$29,800

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

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - N/A

**Major Source:** PWS –Yes, WR - No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** April 26, 2022

**Date(s) of NOE(s):** June 27, 2022

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**CSWR-Texas Utility Operating Company, LLC**  
**RN101264372**  
**Docket No. 2022-0820-MLM-E**

***Violation Information***

1. Failed to locate groundwater sources so that there will be no danger of pollution from flooding or from unsanitary surroundings, such as privies, sewage, sewage treatment plants, livestock and animal pens, solid waste disposal sites or underground petroleum and chemical storage tanks and liquid transmission pipelines or abandoned and improperly sealed wells. Specifically, approximately four cubic yards of municipal solid waste ("MSW"), including furniture, clothing, household goods, and putrescible waste were located in a pile approximately 50 feet northwest of Well No. 4, one 55-gallon drum was being used as trash/burn barrel approximately 35 feet southeast of Well No. 4, and MSW was being stacked in a chicken-wire surrounded pile approximately 45 feet southeast of Well No. 4. Additionally, one 55-gallon drum was being used as a trash/burn barrel approximately 10 feet west of Well No. 5. Also, approximately 10 cubic yards of MSW, including lumber, shingles, household goods, and putrescible waste were located in a pile approximately 50 feet west of Well No. 6 [30 TEX. ADMIN. CODE § 290.41(c)(1)].

2. Failed to provide the Facility's pressure tank with a pressure release device and an easily readable pressure gauge [30 TEX. ADMIN. CODE § 290.43(d)(2)].

3. Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, the Facility had 89 connections requiring a well capacity of 53.4 gpm. However, 44 gpm of well capacity were provided, indicating an 18% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

4. Failed to provide a total storage capacity of 200 gallons per connection. Specifically, the Facility had 89 connections requiring a storage capacity of 17,800 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)].

5. Failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection. Specifically, the Facility had 89 connections requiring a service pump capacity of 178 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)].

6. Failed to provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection. Specifically, the Facility had 89 connections requiring a pressure tank capacity of 1,780 gallons. However, only 119 gallons were provided, indicating a 93% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

7. Failed to plug an abandoned public water supply well with cement in accordance with 16 TEX. ADMIN. CODE ch. 76 or submit test results proving that the well is in a non-deteriorated condition. Specifically, the Facility's abandoned Well No. 5 had not been tested or plugged [30 TEX. ADMIN. CODE § 290.46(u)].

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8. Failed to adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier [30 TEX. ADMIN. CODE §§ 288.20(a) and 288.30(5)(B) and TEX. WATER CODE § 11.1272(c)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

a. Within 30 days:

i. Locate groundwater sources so that there will be no danger of pollution from flooding or from unsanitary surroundings, such as privies, sewage, sewage treatment plants, livestock and animal pens, solid waste disposal sites or underground petroleum and chemical storage tanks and liquid transmission pipelines, or abandoned and improperly sealed wells; and

ii. Provide all pressure tanks with a pressure release device and an easily readable pressure gauge.

b. Within 45 days, submit written certification to demonstrate compliance with a.

c. Within 90 days:

i. Plug the abandoned public water supply Well No. 5 with cement or submit test results proving that the well is in a non-deteriorated condition; and

ii. Prepare and adopt a complete drought contingency plan.

d. Within 105 days, submit written certification to demonstrate compliance with c.

e. Within 180 days:

i. Provide a well capacity of at least 0.6 gpm per connection;

ii. Provide a total storage capacity of at least 200 gallons per connection;

iii. Provide two or more service pumps having a total capacity of 2.0 gpm per connection; and

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**Docket No. 2022-0820-MLM-E**

iv. Provide an elevated storage capacity of at least 100 gallons per connection or a pressure tank capacity of at least 20 gallons per connection.

f. Within 195 days, submit written certification to demonstrate compliance with e.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Samantha Salas, Enforcement Division, Enforcement Team 5, MC 219, (512) 239-1543; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Josiah Cox, President & Chief Executive Officer, 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>	27-Jun-2022			
	<b>PCW</b>	1-Jul-2022	<b>Screening</b>	30-Jun-2022	<b>EPA Due</b>

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	CSWR-Texas Utility Operating Company, LLC (PCW No. 1)				
<b>Reg. Ent. Ref. No.</b>	RN101264372				
<b>Facility/Site Region</b>	2-Lubbock		<b>Major/Minor Source</b>	Major	

## CASE INFORMATION

<b>Enf./Case ID No.</b>	62574	<b>No. of Violations</b>	7
<b>Docket No.</b>	2022-0820-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>	Water Rights	<b>Enf. Coordinator</b>	Samantha Salas
		<b>EC's Team</b>	Enforcement Team 5
<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>	\$36,750
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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>0.0%</b>	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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Notes

Since the enhancement for one NOV with dissimilar violations and 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	<b>0.0%</b>	<b>Enhancement</b>	<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>	\$0
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<b>Economic Benefit</b>	<b>0.0%</b>	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$8,861
Estimated Cost of Compliance	\$56,470

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$36,750
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

<b>Final Penalty Amount</b>	\$36,750
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$36,750
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<b>DEFERRAL</b>	<b>20.0%</b>	<b>Reduction</b>	<b>Adjustment</b>	-\$7,350
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$29,400
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Screening Date

30-Jun-2022

Docket No.

2022-0820-MLM-E

PCW

Respondent

CSWR-Texas Utility Operating Company, LLC (PCW No. 1)

Case ID No.

62574

Reg. Ent. Reference No.

RN101264372

Media

Public Water Supply

Enf. Coordinator

Samantha Salas

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	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

Since the enhancement for one NOV with dissimilar violations and 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%

<b>Screening Date</b>	30-Jun-2022	<b>Docket No.</b>	2022-0820-MLM-E	<b>PCW</b>
<b>Respondent</b>	CSWR-Texas Utility Operating Company, LLC (PCW No. 1)			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	62574			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN101264372			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Samantha Salas			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.41(c)(1)			
<b>Violation Description</b>	Failed to locate groundwater sources so that there will be no danger of pollution from flooding or from unsanitary surroundings, such as privies, sewage, sewage treatment plants, livestock and animal pens, solid waste disposal sites or underground petroleum and chemical storage tanks and liquid transmission pipelines or abandoned and improperly sealed wells. Specifically, approximately four cubic yards of Municipal Solid Waste ("MSW"), including furniture, clothing, household goods, and putrescible waste were located in a pile approximately 50 feet northwest of Well No. 4, one 55-gallon drum was being used as trash/burn barrel approximately 35 feet southeast of Well No. 4, and MSW was being stacked in a chicken-wire surrounded pile approximately 45 feet southeast of Well No. 4. Additionally, one 55-gallon drum was being used as a trash/burn barrel approximately 10 feet west of Well No. 5. Also, approximately 10 cubic yards of MSW, including lumber, shingles, household goods, and putrescible waste were located in a pile approximately 50 feet west of Well No. 6.			
		<b>Base Penalty</b>	\$5,000	
>> Environmental, Property and Human Health Matrix				
OR		<b>Release</b>	<b>Harm</b>	
		Major	Moderate	Minor
	Actual			
	Potential	x		
			<b>Percent</b>	30.0%
>>Programmatic Matrix				
	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
			<b>Percent</b>	0.0%
Matrix Notes	Failure to locate groundwater sources so there will be no danger of pollution from flooding or from unsanitary surroundings could cause contamination of the water supply thus exposing persons served by the Facility to contaminants which would exceed levels protective of human health.			
		<b>Adjustment</b>	\$3,500	
			\$1,500	
Violation Events				
	Number of Violation Events	9	65	Number of violation days
	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
			<b>Violation Base Penalty</b>	\$13,500
	Nine monthly events are recommended (three events for each location), from the date of the investigation, April 26, 2022, to the date of screening, June 30, 2022.			
<b>Good Faith Efforts to Comply</b>	0.0%		<b>Reduction</b>	\$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.			
		<b>Violation Subtotal</b>	\$13,500	
Economic Benefit (EB) for this violation				
Statutory Limit Test				
<b>Estimated EB Amount</b>	\$131	<b>Violation Final Penalty Total</b>	\$13,500	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$13,500

# Economic Benefit Worksheet

**Respondent** CSWR-Texas Utility Operating Company, LLC (PCW No. 1)  
**Case ID No.** 62574  
**Reg. Ent. Reference No.** RN101264372  
**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)	\$1,000	26-Apr-2022	8-Mar-2024	1.87	\$6	\$125	\$131
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 ensure there will be no danger of pollution from flooding or from unsanitary surroundings, 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

\$1,000

TOTAL

\$131



Screening Date30-Jun-2022

Docket No.2022-0820-MLM-E

PCW

RespondentCSWR-Texas Utility Operating Company, LLC (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No.62574

PCW Revision February 11, 2021

Reg. Ent. Reference No.RN101264372

MediaPublic Water Supply

Enf. CoordinatorSamantha Salas

Violation Number2

Rule Cite(s)30 Tex. Admin. Code § 290.43(d)(2)

Violation DescriptionFailed to provide the Facility's pressure tank with a pressure release device and an easily readable pressure gauge.

Base Penalty\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

x

Percent30.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent0.0%

Matrix NotesFailure to provide a pressure release device on the pressure tank and a pressure gauge could result in excess pressurization and expose persons served by the Facility to contaminants which would exceed levels protective of human health.

Adjustment\$3,500

>> Violation Events

Number of Violation Events3

65

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty\$4,500

Three monthly events are recommended, from the date of the investigation, April 26, 2022, to the date of screening, June 30, 2022.

Good Faith Efforts to Comply

0.0%

Reduction\$0

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

x

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

Violation Subtotal\$4,500

Economic Benefit (EB) for this violation

Estimated EB Amount\$26

Statutory Limit Test

Violation Final Penalty Total\$4,500

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

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. CSWR-Texas Utility Operating Company, LLC (PCW No. 1) 62574 RN101264372 Public Water Supply 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$200	26-Apr-2022	8-Mar-2024	1.87	\$1	\$25	\$26
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 each pressure tank with a pressure release device and an easily readable pressure gauge (\$200 per 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

\$200

TOTAL

\$26

Screening Date		30-Jun-2022		Docket No.		2022-0820-MLM-E		PCW		
Respondent		CSWR-Texas Utility Operating Company, LLC (PCW No. 1)						Policy Revision 5 (January 28, 2021)		
Case ID No.		62574						PCW Revision February 11, 2021		
Reg. Ent. Reference No.		RN101264372								
Media		Public Water Supply								
Enf. Coordinator		Samantha Salas								
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 well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, the Facility had 89 connections requiring a well capacity of 53.4 gpm. However, 44 gpm of well capacity were provided, indicating an 18% deficiency.								
Base Penalty								\$5,000		
>> Environmental, Property and Human Health Matrix										
OR	Release		Major		Moderate		Minor			
	Actual									
	Potential				x				Percent 15.0%	
>> 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		65		Number of violation days				
		daily								
		weekly								
		monthly								
		quarterly		x		Violation Base Penalty \$750				
		semiannual								
		annual								
		single event								
One quarterly event is recommended, from the date of the investigation, April 26, 2022, to the date of screening, June 30, 2022.										
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		\$798		Violation Final Penalty Total		\$750				
This violation Final Assessed Penalty (adjusted for limits)								\$750		

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. CSWR-Texas Utility Operating Company, LLC (PCW No. 1) 62574 RN101264372 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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$5,000	26-Apr-2022	5-Aug-2024	2.28	\$38	\$760	\$798
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	\$798
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Screening Date		30-Jun-2022		Docket No.		2022-0820-MLM-E		PCW	
Respondent		CSWR-Texas Utility Operating Company, LLC (PCW No. 1)						Policy Revision 5 (January 28, 2021)	
Case ID No.		62574						PCW Revision February 11, 2021	
Reg. Ent. Reference No.		RN101264372							
Media		Public Water Supply							
Enf. Coordinator		Samantha Salas							
Violation Number		4							
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 89 connections requiring a storage capacity of 17,800 gallons. However, no storage capacity was provided, indicating a 100% deficiency.							
Base Penalty								\$5,000	
>> Environmental, Property and Human Health Matrix									
OR	Release		Major		Moderate		Minor		
	Actual								
	Potential		x						Percent 30.0%
>>Programmatic Matrix									
Falsification		Major		Moderate		Minor			
								Percent 0.0%	
Matrix Notes		Failure to provide adequate storage capacity could expose persons served by the Facility to contaminants that would exceed levels that are protective of human health.							
Adjustment								\$3,500	
								\$1,500	
Violation Events									
Number of Violation Events		3		65		Number of violation days			
		daily							
		weekly							
		monthly		x					
		quarterly							
		semiannual							
		annual							
		single event							
		Violation Base Penalty \$4,500							
		Three monthly events are recommended, from the date of the investigation, April 26, 2022, to the date of screening, June 30, 2022.							
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		\$6,107		Violation Final Penalty Total		\$4,500			
This violation Final Assessed Penalty (adjusted for limits)								\$4,500	

# Economic Benefit Worksheet

Respondent

Case ID No.

Reg. Ent. Reference No.

Media

Violation No.

CSWR-Texas Utility Operating Company, LLC (PCW No. 1)  
62574  
RN101264372  
Public Water Supply  
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	\$38,270	26-Apr-2022	5-Aug-2024	2.28	\$291	\$5,816	\$6,107
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 per gallon x 17,800 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

Approx. Cost of Compliance

\$38,270

TOTAL

\$6,107

Screening Date		30-Jun-2022		Docket No.		2022-0820-MLM-E		PCW		
Respondent		CSWR-Texas Utility Operating Company, LLC (PCW No. 1)						Policy Revision 5 (January 28, 2021)		
Case ID No.		62574						PCW Revision February 11, 2021		
Reg. Ent. Reference No.		RN101264372								
Media		Public Water Supply								
Enf. Coordinator		Samantha Salas								
Violation Number		5								
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 gpm per connection. Specifically, the Facility had 89 connections requiring a service pump capacity of 178 gpm. However, no service pump capacity was provided, indicating a 100% deficiency.								
Base Penalty								\$5,000		
>> Environmental, Property and Human Health Matrix										
OR	Release		Major		Moderate		Minor		Percent	30.0%
	Actual									
	Potential		x							
>>Programmatic Matrix										
Falsification		Major		Moderate		Minor		Percent		0.0%
Matrix Notes		Failure to provide the minimum service pump capacity could result in water outages and low pressure problems, exposing 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		65		Number of violation days				
		daily								
		weekly								
		monthly		x						
		quarterly								
		semiannual								
		annual								
		single event								
		Violation Base Penalty								\$4,500
		Three monthly events are recommended, from the date of the investigation, April 26, 2022, to the date of screening, June 30, 2022.								
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		\$798		Violation Final Penalty Total		\$4,500				
This violation Final Assessed Penalty (adjusted for limits)								\$4,500		

# Economic Benefit Worksheet

Respondent

Case ID No.

Reg. Ent. Reference No.

Media

Violation No.

CSWR-Texas Utility Operating Company, LLC (PCW No. 1)  
62574  
RN101264372  
Public Water Supply  
5

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	26-Apr-2022	5-Aug-2024	2.28	\$38	\$760	\$798
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

Approx. Cost of Compliance	\$5,000	TOTAL	\$798
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Screening Date		30-Jun-2022		Docket No.		2022-0820-MLM-E		PCW					
Respondent		CSWR-Texas Utility Operating Company, LLC (PCW No. 1)						Policy Revision 5 (January 28, 2021)					
Case ID No.		62574						PCW Revision February 11, 2021					
Reg. Ent. Reference No.		RN101264372											
Media		Public Water Supply											
Enf. Coordinator		Samantha Salas											
Violation Number		6											
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 an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection. Specifically, the Facility had 89 connections requiring a pressure tank capacity of 1,780 gallons. However, only 119 gallons were provided, indicating a 93% deficiency.											
Base Penalty								\$5,000					
>> Environmental, Property and Human Health Matrix													
OR		Release		Major		Moderate		Minor					
		Actual											
		Potential		x									
								Percent		30.0%			
>>Programmatic Matrix													
		Falsification		Major		Moderate		Minor					
										Percent		0.0%	
Matrix Notes		Failure to provide adequate elevated storage or pressure tank 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				65		Number of violation days			
		daily											
		weekly											
		monthly		x									
		quarterly											
		semiannual											
		annual											
		single event											
		Three monthly events are recommended, from the date of the investigation, April 26, 2022, to the date of screening, June 30, 2022.											
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		\$798		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 (PCW No. 1)  
**Case ID No.** 62574  
**Reg. Ent. Reference No.** RN101264372  
**Media** Public Water Supply  
**Violation No.** 6

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)	\$5,000	26-Apr-2022	5-Aug-2024	2.28	\$38	\$760	\$798
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 an elevated storage capacity of at least 100 gallons per connection or a pressure tank capacity of at least 20 gallons 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

\$798

<b>Screening Date</b> 30-Jun-2022		<b>Docket No.</b> 2022-0820-MLM-E		<b>PCW</b>	
<b>Respondent</b> CSWR-Texas Utility Operating Company, LLC (PCW No. 1)		<i>Policy Revision 5 (January 28, 2021)</i>			
<b>Case ID No.</b> 62574		<i>PCW Revision February 11, 2021</i>			
<b>Reg. Ent. Reference No.</b> RN101264372					
<b>Media</b> Public Water Supply					
<b>Enf. Coordinator</b> Samantha Salas					
<b>Violation Number</b> 7					
<b>Rule Cite(s)</b> 30 Tex. Admin. Code § 290.46(u)					
<b>Violation Description</b>		Failed to plug an abandoned public water supply well with cement in accordance with 16 Tex. Admin. Code ch. 76 or submit test results proving that the well is in a non-deteriorated condition. Specifically, the Facility's abandoned Well No. 5 had not been tested or plugged.			
		<b>Base Penalty</b>		\$5,000	

>> Environmental, Property and Human Health Matrix

OR

	Harm			
Release	Major	Moderate	Minor	
Actual				Percent 30.0%
Potential	x			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes

Failure to plug or test the abandoned well could cause the source water to be contaminated with pollutants which would exceed levels protective of human health.

Adjustment

\$3,500

\$1,500

Violation Events

Number of Violation Events	3	65	Number of violation days
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	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty

\$4,500

Three monthly events are recommended, from the date of the investigation, April 26, 2022, to the date of screening, June 30, 2022.

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	\$203	Violation Final Penalty Total	\$4,500
This violation Final Assessed Penalty (adjusted for limits)		\$4,500	

# Economic Benefit Worksheet

Respondent

Case ID No.

Reg. Ent. Reference No.

Media

Violation No.

CSWR-Texas Utility Operating Company, LLC (PCW No. 1)  
62574  
RN101264372  
Public Water Supply  
7

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				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)	\$2,000	26-Apr-2022	7-May-2024	2.03	\$203	n/a	\$203

Notes for DELAYED costs

The delayed cost includes the estimated amount to plug or test the abandoned Well No. 5, 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

\$2,000

TOTAL

\$203



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	27-Jun-2022			
	<b>PCW</b>	1-Jul-2022	<b>Screening</b>	30-Jun-2022	<b>EPA Due</b>

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	CSWR-Texas Utility Operating Company, LLC (PCW No. 2)				
<b>Reg. Ent. Ref. No.</b>	RN101264372				
<b>Facility/Site Region</b>	2-Lubbock		<b>Major/Minor Source</b>	Minor	

## CASE INFORMATION

<b>Enf./Case ID No.</b>	62574	<b>No. of Violations</b>	1
<b>Docket No.</b>	2022-0820-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Rights	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>	Public Water Supply	<b>Enf. Coordinator</b>	Samantha Salas
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$500
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	<b>0.0%</b>	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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Notes: Since the enhancement for one NOV with dissimilar violations and 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	<b>0.0%</b>	<b>Enhancement</b>	<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>	\$0
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<b>Economic Benefit</b>	<b>0.0%</b>	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$36  
Estimated Cost of Compliance \$360  
\*Capped at the Total EB \$ Amount

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

Notes:

<b>Final Penalty Amount</b>	\$500
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$500
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<b>DEFERRAL</b>	<b>20.0%</b>	<b>Reduction</b>	<b>Adjustment</b>	-\$100
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$400
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Screening Date30-Jun-2022

RespondentCSWR-Texas Utility Operating Company, LLC (PCW No. 2)

Case ID No.62574

Reg. Ent. Reference No.RN101264372

MediaWater Rights

Enf. CoordinatorSamantha Salas

Docket No.2022-0820-MLM-E

PCW

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	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

Since the enhancement for one NOV with dissimilar violations and 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%

<b>Screening Date</b>	30-Jun-2022	<b>Docket No.</b>	2022-0820-MLM-E	<b>PCW</b>	
<b>Respondent</b>	CSWR-Texas Utility Operating Company, LLC (PCW No. 2)			Policy Revision 5 (January 28, 2021)	
<b>Case ID No.</b>	62574			PCW Revision February 11, 2021	
<b>Reg. Ent. Reference No.</b>	RN101264372				
<b>Media</b>	Water Rights				
<b>Enf. Coordinator</b>	Samantha Salas				
<b>Violation Number</b>	1				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 288.20(a) and 288.30(5)(B) and Tex. Water Code § 11.1272(c)				
<b>Violation Description</b>	Failed to adopt a drought contingency plan which includes all elements for municipal use by a retail public supplier.				
<b>Base Penalty</b>				\$5,000	
>> Environmental, Property and Human Health Matrix					
OR	<b>Release</b>	<b>Harm</b>			
		Major	Moderate	Minor	
	Actual				<b>Percent</b> 0.0%
Potential					
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
		x			<b>Percent</b> 10.0%
Matrix Notes	100% of the rule requirements were not met.				
<b>Adjustment</b>				\$4,500	
					\$500
Violation Events					
Number of Violation Events		1	65	Number of violation days	
	daily			<b>Violation Base Penalty</b> \$500	
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			
One single event is recommended.					
<b>Good Faith Efforts to Comply</b>		0.0%	<b>Reduction</b>		\$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.				
<b>Violation Subtotal</b>				\$500	
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		\$36	<b>Violation Final Penalty Total</b>		\$500
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$500	

# Economic Benefit Worksheet

Respondent

Case ID No.

Reg. Ent. Reference No.

Media

Violation No.

CSWR-Texas Utility Operating Company, LLC (PCW No. 2)

62574

RN101264372

Water Rights

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)	\$360	26-Apr-2022	4-May-2024	2.02	\$36	n/a	\$36

Notes for DELAYED costs

The delayed cost includes the estimated amount to draft and adopt a drought contingency plan, 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	\$360	TOTAL	\$36
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# Compliance History Report

Compliance History Report for CN605844786, RN101264372, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

<b>Customer, Respondent, or Owner/Operator:</b>	CN605844786, CSWR-Texas Utility Operating Company, LLC	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	7.29
<b>Regulated Entity:</b>	RN101264372, FRANKLIN WATER SYSTEMS 3	<b>Classification:</b>	NOT APPLICABLE	<b>Rating:</b>	N/A
<b>Complexity Points:</b>	N/A	<b>Repeat Violator:</b>	N/A		
<b>CH Group:</b>	14 - Other				
<b>Location:</b>	4813 IDALOU ROAD IN LUBBOCK, LUBBOCK COUNTY, TEXAS				
<b>TCEQ Region:</b>	REGION 02 - LUBBOCK				
<b>ID Number(s):</b>					
<b>PUBLIC WATER SYSTEM/SUPPLY REGISTRATION</b>	1520080				

<b>Compliance History Period:</b>	September 01, 2018 to August 31, 2023	<b>Rating Year:</b>	2023	<b>Rating Date:</b>	09/01/2023
<b>Date Compliance History Report Prepared:</b>	December 06, 2023				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	December 06, 2018 to December 06, 2023				
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>					
<b>Name:</b>	Samantha Salas	<b>Phone:</b>	(512) 239-1543		

## 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 11/16/2021
- 4) Who was/were the prior owner(s)/operator(s)? FULLER, VIRGINIA FRANKLIN, OWNER, 9/10/2002 to 11/15/2021

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

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

N/A

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

N/A

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

N/A

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

Item 1 January 09, 2020 (1618929)

### **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:        | 03/09/2023  | (1886516) |                          |
|   | Self Report? | NO  |           | Classification: Moderate |
|   | Citation:    | 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)                       |           |                          |
|   | Description: | CHR MCL 4Q2022 - During the 4th quarter of 2022 the system violated the |           |                          |

maximum contaminant level for chromium with a RAA of 0.20000 mg/L. ETT Point Value = 5

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)

Description: CHR MCL 3Q2022 - During the 3rd quarter of 2022 the system violated the maximum contaminant level for chromium with a RAA of 0.20000 mg/L. ETT Point Value = 5

#### F. Environmental audits:

Notice of Intent Date: 12/27/2021 (1782580)

Disclosure Date: 12/27/2021

Viol. Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)  
30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failed to maintain Well No. 1 free from cracks in the foundation.

Viol. Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)  
30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failed to maintain a proper seal for the Well No. 4 electrical wires, breather vent, and wellhead; Well No. 6 wellhead; and Well No. 7 electrical wires (x2), breather vent, and wellhead.

Viol. Classification: Minor

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

Description: Failed to provide source sample taps for Well Nos. 1, 2, and 4.

Viol. Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)  
30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failed to provide corrosion control for Well Nos. 1, 2, 4, 6, and 7.

Viol. Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: Failed to provide sanitary control easements for Well Nos. 1, 2, 4, 6, or 7.

Viol. Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)  
30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)

Description: Failed to adequately seal chlorine containers and provide secondary containment for chlorine containers.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)

Description: Failed to conduct annual inspection of the pressure tank.

Viol. Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

Description: Failed to maintain an up-to-date monitoring plan.

Viol. Classification: Minor

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

Description: Failed to maintain an up-to-date plant operations manual.

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

*Compliance History Report for CN605844786, RN101264372, Rating Year 2023 which includes Compliance History (CH) components from December 06, 2018, through December 06, 2023.*

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION

CONCERNING

CSWR-TEXAS UTILITY OPERATING  
COMPANY, LLC

RN101264372

§  
§  
§  
§  
§  
§  
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2022-0820-MLM-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 and TEX. WATER CODE ch. 11. 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 4813 Idalou Road in Lubbock, Lubbock County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 89 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). The Facility adjoins, is contiguous with, surrounds, or is near or adjacent to state water as defined in TEX. WATER CODE § 11.021 and 30 TEX. ADMIN. CODE § 297.1(52).
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 11.0842 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 11.0842 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 11, 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 \$37,250 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$29,800 of the penalty and \$7,450 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 April 26, 2022, an investigator documented that the Respondent:

1. Failed to locate groundwater sources so that there will be no danger of pollution from flooding or from unsanitary surroundings, such as privies, sewage, sewage treatment plants, livestock and animal pens, solid waste disposal sites or underground petroleum and chemical storage tanks and liquid transmission pipelines or abandoned and improperly sealed wells, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1). Specifically, approximately four cubic yards of Municipal Solid Waste ("MSW"), including furniture, clothing, household goods, and putrescible waste were located in a pile approximately 50 feet northwest of Well No. 4, one 55-gallon drum was being used as trash/burn barrel approximately 35 feet southeast of Well No. 4, and MSW was being stacked in a chicken-wire surrounded pile approximately 45 feet southeast of Well No. 4. Additionally, one 55-gallon drum was being used as a trash/burn barrel approximately 10 feet west of Well No. 5. Also, approximately 10 cubic yards of MSW, including lumber, shingles, household goods, and putrescible waste were located in a pile approximately 50 feet west of Well No. 6.
2. Failed to provide the Facility's pressure tank with a pressure release device and an easily readable pressure gauge, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(2).
3. Failed to provide a 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, the Facility had 89 connections requiring a well capacity of 53.4 gpm. However, 44 gpm of well capacity were provided, indicating an 18% deficiency.
4. 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 89 connections requiring a storage capacity of 17,800 gallons. However, no storage capacity was provided, indicating a 100% deficiency.

5. Failed to provide two or more service pumps having a total capacity of 2.0 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 89 connections requiring a service pump capacity of 178 gpm. However, no service pump capacity was provided, indicating a 100% deficiency.
6. Failed to provide an elevated storage capacity of 100 gallons per connection or a 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, the Facility had 89 connections requiring a pressure tank capacity of 1,780 gallons. However, only 119 gallons were provided, indicating a 93% deficiency.
7. Failed to plug an abandoned public water supply well with cement in accordance with 16 TEX. ADMIN. CODE ch. 76 or submit test results proving that the well is in a non-deteriorated condition, in violation of 30 TEX. ADMIN. CODE § 290.46(u). Specifically, the Facility's abandoned Well No. 5 had not been tested or plugged.
8. Failed to adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier, in violation of 30 TEX. ADMIN. CODE §§ 288.20(a) and 288.30(5)(B) and TEX. WATER CODE § 11.1272(c).

### 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. 2022-0820-MLM-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 30 days after the effective date of this Order:
    - i. Locate groundwater sources so that there will be no danger of pollution from flooding or from unsanitary surroundings, such as privies, sewage, sewage treatment plants, livestock and animal pens, solid waste disposal sites or underground petroleum and chemical storage tanks and liquid

- transmission pipelines, or abandoned and improperly sealed wells, in accordance with 30 TEX. ADMIN. CODE § 290.41; and
- ii. Provide all pressure tanks with a pressure release device and an easily readable pressure gauge, in accordance 30 TEX. ADMIN. CODE § 290.43.
- b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i and 2.a.ii.
- c. Within 90 days after the effective date of this Order:
- i. Plug the abandoned public water supply Well No. 5 with cement in accordance with 16 TEX. ADMIN. CODE ch. 76 or submit test results proving that the well is in a non-deteriorated condition, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
  - ii. Prepare and adopt a complete drought contingency plan, in accordance with 30 TEX. ADMIN. CODE §§ 288.20 and 288.30.
- d. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.f below, 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.
- e. Within 180 days after the effective date of this Order:
- i. Provide a well capacity of at least 0.6 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45;
  - ii. Provide a total storage capacity of at least 200 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45;
  - iii. 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; and
  - iv. Provide an elevated storage capacity of at least 100 gallons per connection or a pressure tank capacity of at least 20 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- f. 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 Nos. 2.e.i through 2.e.iv. 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  
Lubbock Regional Office  
Texas Commission on Environmental Quality  
5012 50th Street, Suite 100  
Lubbock, Texas 79414-3426

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. If the Respondent fails to comply with Ordering Provision No. 2.c.ii in this Order within the prescribed schedule, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address 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

4/8/2024

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 OAG 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 OAG 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

President/CEO

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.