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

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. Additionally, 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)].

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

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



PAYABLE PENALTY

Penalty Calculation Worksheet (PCW)

PAONMENTAL OU	Policy Revi	sion 5 (January 28, 2	(021)				PCW Revision	rebruary 11, 2021
DATES	Assigned	27-Jun-2022					_	
	PCW	1-Jul-2022	Screening	3 0-Jun-2022	EPA Due			
RESPO		TY INFORMATI						
_	Respondent	CSWR-Texas Uti	<u>lity Operatir</u>	ng Company, LLC	C (PCW No. 1)			
	g. Ent. Ref. No.				Na - 1 / a	Mi C	Ina - :	
Facili	ty/Site Region	2-LUDDOCK			Major/I	Minor Source	Major	
CACET	NFORMATION							
	f./Case ID No.	62574			l No	of Violations	7	
EII	_	2022-0820-MLM			NO.	Order Type		
Mod		Public Water Sur			Governmen	t/Non-Profit		
Med	Multi-Media		эргу				Samantha Salas	
	Pidici Picala	Water Rights					Enforcement Team	5
Δdr	min Penalty \$ I	_ _imit Minimum	\$50	Maximum	\$5,000	LC 3 TCain	Linorcement ream	
Aui	iiiii i Cilaity 4 i	- Innic Pinninani	Ψ50	Plaxillalli	\$5,000			
			Dona	Ity Calcula	tion Socti	on		
				•		OH		
TOTAI	L BASE PENA	LTY (Sum of	violation	ı base penal [.]	ties)		Subtotal 1	\$36,750
4 5 7114	OTMENITO (.	/	.					
ADJUS	SIMENIS (+)	/-) TO SUBTO	JIAL 1	- DIt (Clat-at-) 4	Non-the-in-diseased			
	Compliance His		the rotal Base	e Penalty (Subtotal 1 0.0%			tals 2, 3, & 7	\$0
	Compnance in		ncoment for	r one NOV with o			tais 2, 3, & 7	40
	Notes			ntent to conduct				
		or violations i		o, the Adjustmer defaults to zero	• `	Subtotal 2)		
				defaults to zero	•]	
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
	Notes	The Re	spondent do	oes not meet the	culpability crit	eria.		
	Good Faith Effe	ort to Comply T	otal Adjust	tments			Subtotal 5	\$0
	Economic Bene	∽€i+		0.00%			Subtotal 6	\$0
	Economic Bene	Total EB Amounts	\$8,861		Enhancement* Id at the Total EB \$	Amount	Subtotal 6	
	Estimated	Cost of Compliance	\$56,470		a at the rotal 25 p	, uno arre		
		_						
SUM C	OF SUBTOTAL	LS 1-7				F	inal Subtotal	\$36,750
OTHE	R FACTORS A	AS JUSTICE M	IAY REQU	JIRE	0.0%		Adjustment	\$0
Reduces c	or enhances the Final	Subtotal by the indic	cated percentag	ge.				
	Notes							
						Final Per	nalty Amount	\$36,750
STATU	JTORY LIMIT	ADJUSTMEN	NT			Final Asse	ssed Penalty	\$36,750
DEFER					20.0%	Reduction	Adjustment	-\$7,350
Reduces t	he Final Assessed Pe	nalty by the indicated	d percentage.				7	
	Notes	[Deferral offe	red for expedite	d settlement.			

\$29,400

Screening Date 30-Jun-2022

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

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

PCW

Case ID No. 62574

Reg. Ent. Reference No. RN101264372

Media Public Water Supply

Enf. Coordinator Samantha Salas

Compliance History Worksheet

>> (Compliance	History <i>Site</i>	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%
	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
Orders	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%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
and Consent Decrees	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%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)		-1%
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%

	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)

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

0%

0%

	Screening Date	30-Jun-2022 Docket No. 2022-0820-MLM-E	PCW
	· · · · · · · · · · · · · · · · · · ·	CSWR-Texas Utility Operating Company, LLC (PCW No. 1)	Policy Revision 5 (January 28, 2021)
_	Case ID No.		PCW Revision February 11, 2021
Reg. E	Ent. Reference No.		
		Public Water Supply	
	Enf. Coordinator	Samantha Salas	
	Violation Number	1	
	Rule Cite(s)	30 Tex. Admin. Code § 290.41(c)(1)	
		5	
	Violation Description	Failed to locate groundwater sources so that there will be no danger of from flooding or from unsanitary surroundings, such as privies, sewage treatment plants, livestock and animal pens, solid waste disposal si underground petroleum and chemical storage tanks and liquid transmippelines or abandoned and improperly sealed wells. Specifically, approfour cubic yards of Municipal Solid Waste ("MSW"), including furniture, household goods, and putrescible waste were located in a pile approximate to northwest of Well No. 4, one 55-gallon drum was being used as the barrel approximately 35 feet southeast of Well No. 4, and MSW was stacked in a chicken-wire surrounded pile approximately 45 feet south Well No. 4. Additionally, one 55-gallon drum was being used as a transparrel approximately 10 feet west of Well No. 5. Also, approximately yards of MSW, including lumber, shingles, household goods, and put waste were located in a pile approximately 50 feet west of Well No.	e, sewage lites or mission oximately clothing, mately 50 rash/burn being heast of sh/burn 10 cubic rescible
>> Env	vironmental. Prone	Base	e Penalty \$5,000
LIIV	ommental, Frope	Harm	
	Release	Major Moderate Minor	
OR	Actual		
	Potential	x Percent 30.0%	
>> Dro	grammatic Matrix		
//P10	Falsification	Major Moderate Minor	
		Percent 0.0%	
		tary surroundings could cause contamination of the water supply thus end by the Facility to contaminants which would exceed levels protective of health. Adjustment	
			±1.500
			\$1,500
Violatio	on Events		
		iolation Events 9 65 Number of violation	days
		daily weekly monthly x Wielstien Rec	e Penalty \$13,500
		quarterly Semiannual Single event Violation Base	# Penaity \$13,300
		vevents are recommended (three events for each location), from the dance of screening, June 30, 2022.	ite of the
Good F	aith Efforts to Com	ply 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.	
			Subtotal \$13,500
Econon	nic Benefit (EB) for	this violation Statutory Limit	Test
	Estimate	ed EB Amount \$131 Violation Final Pena	alty Total \$13,500
			-
		This violation Final Assessed Penalty (adjusted for	or limits) \$13,500

	E	conomic	Benefit	Wor	ksheet		
Respondent	CSWR-Texas I	Jtility Operating Co	ompany, LLC (F	CW No.	1)		
Case ID No.	62574						
Reg. Ent. Reference No.	RN101264372						
	Public Water 9						Years of
Violation No.	1	,				Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description		·					
•							
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 \$0	n/a n/a	\$0 \$0
Record Keeping System Training/Sampling				0.00	\$0 \$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	flooding or f	rom unsanitary su	rroundings, cal dat	culated e of con	from the date of the spliance.	be no danger of pol he investigation to t	he estimated
Avoided Costs	ANNU	ALIZE avoided co	osts before en			one-time avoided	
Disposal .				0.00	\$0	\$0	\$0
Personnel				0.00	\$0 \$0	\$0	\$0
Inspection/Reporting/Sampling Supplies/Equipment				0.00	\$0 \$0	\$0 \$0	<u>\$0</u> \$0
Financial Assurance				0.00	\$0 \$0	\$0 \$0	\$0
ONE-TIME avoided costs				0.00	\$0 \$0	\$0 \$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$1,000			TOTAL		\$131

	Screening Date	30-Jun-2022		Dock	et No. 2022-0820-MLM-E	F	PCW
	Respondent	CSWR-Texas Ut	ility Operating	Company, LLC	(PCW No. 1)	Policy Revision 5 (January	28, 2021)
	Case ID No.	62574				PCW Revision February	y 11, 2021
Reg.	Ent. Reference No.	RN101264372					
_		Public Water Su	vlaa				
	Enf. Coordinator						
	Violation Number						
	Rule Cite(s)						
	raic che(s)		30 Te	x. Admin. Code	§ 290.43(d)(2)		
		Failed to provid	de the Facility'	s pressure tank	with a pressure release device	and an	
	Violation Description	ranca to protes		sily readable pre			
				,			
					Base	Penalty	\$5,000
_							
>> En	vironmental, Prope	rty and Hum		Matrix			
	Dalasas	Madan	Harm	Mina			
OΒ	Release	Major	Moderate	Minor			
OR	Actual						
	Potential	X			Percent 30.0%		
_							
>>Pro	grammatic Matrix						
	Falsification	Major	Moderate	Minor			
					Percent 0.0%		
	Matrix Failure to p	rovide a pressur	e release devi	ce on the press	ure tank and a pressure gauge	: could	
	Notes result in exce	ess pressurizatio	n and expose	persons served	by the Facility to contaminant	<mark>s which</mark>	
	Notes	woul	d exceed level	s protective of	human health.		
					Adjustment	\$3,500	
							\$1,500
Violati	on Events						
	Number of \	iolation Events/	3		65 Number of violation d	ays	
		,					
		daily					
		weekly					
		monthly	X			_	
		quarterly			Violation Base	Penalty	\$4,500
		semiannual					
		annual					
		single event					
	Three monthly	v events are reco	ommended, fr	om the date of	the investigation, April 26, 202	2, to the	
			·	ening, June 30			
				3,	·		
		-					
Good I	Faith Efforts to Com		0.0%			eduction	\$0
		The state of the s	efore NOE/NOV	NOE/NOV to EDPR	P/Settlement Offer		
		Extraordinary					
		Ordinary					
		N/A	Х				
			The Decree of				
		Notes	The Responde	ent does not me this vio	eet the good faith criteria for		
				tilis vio	iation.		
		Ц					
					Violation S	Subtotal	\$4,500
_							
Econo	mic Benefit (EB) for	this violation	on		Statutory Limit	Test	
	Eating at	ed EB Amount		¢26	Violation Final Pena	ity Total	¢4 E00
	Estimato	EU ED AIIIUUNT		\$26	violation rinal Pena	ity i Utai	\$4,500
			This viol	ation Final Ass	sessed Penalty (adjusted fo	r limits)	\$4,500
					,		

	E	conomic	Benefit	Wor	ksheet		
Respondent	CSWR-Texas I	Jtility Operating Co	ompany, LLC (F	CW No.	1)		
Case ID No.		,	. ,,		•		
Reg. Ent. Reference No.							
	Public Water S						Years of
Violation No.						Percent Interest	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 Permit Costs				0.00	\$0 \$0	n/a	\$0 \$0
Other (as needed)				0.00	\$0 \$0	n/a n/a	\$0
Notes for DELAYED costs	device a	and an easily reada inve	able pressure g estigation to the	auge (\$ e estima	200 per tank), cal ated date of compl		te of the
Avoided Costs	ANNU	ALIZE avoided co	sts before en			one-time avoided	
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 #0	\$0
Financial Assurance ONE-TIME avoided costs				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)		<u> </u> 		0.00	\$0 \$0	\$0 \$0	\$0
Notes for AVOIDED costs				<u> 0.00</u>	Ι ΨΟ	3 0 1	ŢU
Approx. Cost of Compliance		\$200			TOTAL		\$26

	Screening Date		Docket No. 2022-0820-MLM-E	PCW
	Respondent	CSWR-Texas Utility Opera	ting 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		
En	ıf. Coordinator	Samantha Salas		
,	Violation Number			
	Rule Cite(s)	30 Tex. Admin. Code	§ 290.45(b)(1)(C)(i) and Tex. Health & Safety Cod	le §
			341.0315(c)	
		The state of the s	apacity of 0.6 gallons per minute ("gpm") per conn	
Viol	ation Description	* * * * * * * * * * * * * * * * * * * *	nad 89 connections requiring a well capacity of 53.	
		However, 44 gpm of we	ell capacity were provided, indicating an 18% defici	ency.
			Page	Penalty \$5,000
			Dase I	Penalty \$5,000
>> Environ	mental, Prope	erty and Human Heal	th Matrix	
	Release	Harm • Major Moderate	e Minor	
OR	Actua		: MINO	
	Potentia		Percent 15.0%	
	rocorreia	Α	1 0 00 13 70	
>>Program	nmatic Matrix			
	Falsification	Major Moderate	e Minor	
			Percent 0.0%	
Mat	rriv		pacity could expose persons served by the Facility t	
Not	Significant	amount of contaminants the	at would not exceed levels that are protective of h	<mark>uman </mark>
			health.	
				+4.350
			Adjustment	\$4,250
				\$750
Violation E	vents			
	N	V. 1 V V		
	Number of	Violation Events 1	65 Number of violation da	iys
		daily		
		daily weekly		
		weekly		
		weekly monthly	Violation Base I	Penalty \$750
		weekly	Violation Base I	Penalty \$750
		weekly monthly quarterly x	Violation Base	Penalty \$750
		weekly monthly quarterly x semiannual	Violation Base	Penalty \$750
		weekly monthly quarterly x semiannual annual	Violation Base	Penalty \$750
	One quarte	weekly monthly quarterly semiannual annual single event		
	One quarte	weekly monthly quarterly semiannual annual single event rly event is recommended,	from the date of the investigation, April 26, 2022, screening, June 30, 2022.	
	One quarte	weekly monthly quarterly semiannual annual single event rly event is recommended,	from the date of the investigation, April 26, 2022,	
Good Faith		weekly monthly quarterly semiannual annual single event rly event is recommended, date of s	from the date of the investigation, April 26, 2022, screening, June 30, 2022.	to the
Good Faith	One quarte Efforts to Con	weekly monthly quarterly semiannual annual single event rly event is recommended, date of semiannual control of the semiannual of the sem	from the date of the investigation, April 26, 2022, screening, June 30, 2022.	
Good Faith		weekly monthly quarterly semiannual annual single event rly event is recommended, date of semiannual control of the semiannual of the sem	from the date of the investigation, April 26, 2022, screening, June 30, 2022.	to the
Good Faith		weekly monthly quarterly x semiannual annual single event rly event is recommended, date of s nply Before NOE/NO	from the date of the investigation, April 26, 2022, screening, June 30, 2022.	to the
Good Faith		weekly monthly quarterly semiannual annual single event rly event is recommended, date of semiannual semiannual single event rly event is recommended, date of semiannual single event	from the date of the investigation, April 26, 2022, screening, June 30, 2022.	to the
Good Faith		weekly monthly quarterly semiannual annual single event rly event is recommended, date of s nply Before NOE/NO Extraordinary Ordinary N/A x	from the date of the investigation, April 26, 2022, screening, June 30, 2022. ReDV NOE/NOV to EDPRP/Settlement Offer	to the
Good Faith		weekly monthly quarterly semiannual annual single event rly event is recommended, date of s nply Before NOE/NO Extraordinary Ordinary N/A x	from the date of the investigation, April 26, 2022, screening, June 30, 2022. ReDV NOE/NOV to EDPRP/Settlement Offer Ondent does not meet the good faith criteria for	to the
Good Faith		weekly monthly quarterly semiannual annual single event rly event is recommended, date of s nply Before NOE/NO Extraordinary Ordinary N/A x The Response	from the date of the investigation, April 26, 2022, screening, June 30, 2022. ReDV NOE/NOV to EDPRP/Settlement Offer	to the
Good Faith		weekly monthly quarterly semiannual annual single event rly event is recommended, date of s nply Before NOE/NO Extraordinary Ordinary N/A x The Response	from the date of the investigation, April 26, 2022, screening, June 30, 2022. ReDV NOE/NOV to EDPRP/Settlement Offer Indent does not meet the good faith criteria for this violation.	to the solution \$0
	Efforts to Con	weekly monthly quarterly semiannual annual single event rly event is recommended, date of semiannual single event rly event is recommended, date of semiannual single event The Response	from the date of the investigation, April 26, 2022, screening, June 30, 2022. ReDV NOE/NOV to EDPRP/Settlement Offer Indent does not meet the good faith criteria for this violation. Violation S	to the square \$0
	Efforts to Con	weekly monthly quarterly semiannual annual single event rly event is recommended, date of s nply Before NOE/NO Extraordinary Ordinary N/A x The Response	from the date of the investigation, April 26, 2022, screening, June 30, 2022. ReDV NOE/NOV to EDPRP/Settlement Offer Indent does not meet the good faith criteria for this violation.	to the square \$0
	Efforts to Con	weekly monthly quarterly semiannual annual single event rly event is recommended, date of semiannual single event rly event is recommended, date of semiannual single event The Response	from the date of the investigation, April 26, 2022, screening, June 30, 2022. ReDV NOE/NOV to EDPRP/Settlement Offer Indent does not meet the good faith criteria for this violation. Violation S	to the \$0 duction \$0 ubtotal \$750
	Efforts to Con	weekly monthly quarterly semiannual annual single event rly event is recommended, date of semiannual single event rly event is recommended, date of semiannual single event rly event is recommended, date of semiannual single event rly event is recommended, date of semiannual single event rly event is recommended, date of semiannual single event semiannual single event recommended, date of semiannual semiannual single event semiannual single event semiannual	from the date of the investigation, April 26, 2022, screening, June 30, 2022. ReDV NOE/NOV to EDPRP/Settlement Offer Indent does not meet the good faith criteria for this violation. Violation S Statutory Limit 1	to the \$0 ubtotal \$750 Test Ty Total \$750

Economic Benefit Worksheet									
Respondent	CSWR-Texas	Utility Operating C	ompany, LLC (P	CW No.	1)				
Case ID No.		, , ,	. ,, .		,				
Reg. Ent. Reference No.)							
	Public Water S						Years of		
Violation No.		зарргу				Percent Interest	Depreciation		
						5.0	15		
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount		
Item Description									
•									
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 Other (as needed)				0.00	\$0 \$0	n/a n/a	\$0 \$0		
Notes for DELAYED costs					•	pacity of at least 0 timated date of con			
Avoided Costs	ANNU	ALIZE avoided co	osts before en		item (except for	one-time avoide	d 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 \$0	\$0		
ONE-TIME avoided costs Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0 \$0		
Notes for AVOIDED costs		<u>"</u>		1 0.00	1 40	μ ΨΟ	\$0		
Approx. Cost of Compliance		\$5,000			TOTAL		\$798		

	Scre	ening Date	30-Jun-2022		Docket No	■ 2022-0820-MLM-E		PCW
	R	espondent	CSWR-Texas U	tility Operatin	g Company, LLC (PCW I	No. 1)	Policy Rev	vision 5 (January 28, 2021)
	C	ase ID No.	62574				PCW I	Revision February 11, 2021
Reg.	Ent. Ref	erence No.	RN101264372					
		Media	Public Water Su	yply				
	Enf. C	oordinator	Samantha Sala	S				
	Viola	ition Number						
		Rule Cite(s)	30 Tex. Ad	min. Code § 2	290.45(b)(1)(C)(ii) and	Tex. Health & Safety Co	ode §	
					341.0315(c)			
			Failed to provid	de a total stor	age capacity of 200 gall	ons per connection. Sp	ecifically,	
	Violatio	n Description	the Facility l	nad 89 connec	ctions requiring a storag	ge capacity of 17,800 ga	allons.	
			However,	no storage ca	pacity was provided, in	dicating a 100% deficie	ncy.	
						Base	Penalty	\$5,000
>> Em.	ikan ma	ntal Drane	what soul Union	asa Uaslah	Matrix			
// EIIV	/II OIIIIIe	ntai, Prope	rty and Hum	Harm	Matrix			
		Release	Major	Moderate	Minor			
OR		Actual						
		Potential	Х			Percent 30.0%		
		'						
>>Prog	gramma	tic Matrix						
		Falsification	Major	Moderate	Minor			
						Percent 0.0%		
	Matrix	Failure to	provide adequat	e storage can	pacity could expose pers	ons served by the Facil	ity to	
	Notes				d levels that are protect	-	,	
					<u>'</u>			
					_	J2	#2 F00	
					A	djustment	\$3,500	
								\$1,500
								, ,,,,,,
Violatio	on Event	ts						
						-		
		Number of \	/iolation Events	3	65	Number of violation of	lays	
			4-9.		1			
			daily					
			weekly monthly	Y				
			quarterly	X		Violation Base	Penalty	\$4,500
			semiannual			Violation Base		φ 1/300
			annual					
			single event					
			_					
		Throo monthly	, ovents are res	ommondod fi	rom the date of the inve	octigation April 26, 202	22 to the	
		THEE HIGHLIN	events are rec	•	eening, June 30, 2022.	.3dgadoli, April 20, 202	.2, 10 1116	
Good F	aith Eff	orte to Com	nly	0.0%			oduction	40
good F	aitii EITC	orts to Com		efore NOE/NOV	NOE/NOV to EDPRP/Settlen		leduction	\$0
			Extraordinary	CIOIC NOL/NOV	HOL/HOV to EDITAR/Settlell			
			Ordinary			=		
			•	Y				
			N/A	X				
			Notes	The Respond	lent does not meet the	good faith criteria for		
			Notes		this violation.			
			l					
						Violation	Subtotal	\$4,500
								т ./333
Econon	nic Bene	efit (EB) for	this violati	on		Statutory Limit	Test	
		Fetimate	ed EB Amount		\$6,107	Violation Final Pena	lty Total	\$4,500
		LStillatt	a Eb Amount		ψυ, τυ /	- Ioladon I mai Fella	, iotai	Ψ+,500
				This viol	lation Final Assessed	Penalty (adjusted fo	r limits)	\$4,500
								,

	E	conomic	Benefit	Wor	ksheet		
Respondent	CSWR-Texas I	Jtility Operating C	ompany, LLC (F	PCW No.	1)		
Case ID No.					•		
Reg. Ent. Reference No.							
	Public Water S						Years of
Violation No.						Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
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 Permit Costs				0.00	\$0 \$0	n/a n/a	\$0 \$0
Other (as needed)				0.00	\$0 \$0	n/a	\$0
Notes for DELAYED costs	per connect	ion (\$2.15 per gal	lon x 17,800 ga estimate	allons), o	calculated from the of compliance.	ge capacity of at lea e date of the investi	gation to the
Avoided Costs	ANNU	ALIZE avoided co	osts before en	tering	item (except for	one-time avoided	d 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 \$0	\$0
Financial Assurance ONE-TIME avoided costs				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0 \$0	\$0
Notes for AVOIDED costs				<u> 0.00</u>	1 40	Ψ0	30
Approx. Cost of Compliance		\$38,270			TOTAL		\$6,107

	Screening Date	30-Jun-2022		Doc	ket No. 2022-082	20-MLM-E		PCW
	Respondent	CSWR-Texas Ut	tility Operatin	g Company, LL	C (PCW No. 1)		Policy Revis	sion 5 (January 28, 2021)
	Case ID No.	62574					PCW Re	evision February 11, 2021
Reg.	Ent. Reference No.	RN101264372						
	Media	Public Water Su	ıpply					
	Enf. Coordinator	Samantha Sala	S					
	Violation Number	5						
	Rule Cite(s)	30 Tex. Adr	nin. Code § 2	90.45(b)(1)(C)	(iii) and Tex. Health	า & Safety Co	de §	
				341.03	15(c)			
					os having a total cap			
	Violation Description		•	• • • • • • • • • • • • • • • • • • •	9 connections requi	_		
	·	capacity of 1/8	gpm. Howev		oump capacity was	provided, indi	cating a	
				100% def	iciency.			
						Rase I	Penalty	\$5,000
						Dusc I		Ψ3,000
>> En	vironmental, Prope	rty and Hum	ian Health	Matrix				
	, i	•	Harm					
	Release		Moderate	Minor				
OR	Actual							
	Potential	X			Percent	30.0%		
>>Pro	grammatic Matrix	N.4 ·	NA 1	.				
	Falsification	Major	Moderate	Minor	Dawaant	0.00/		
					Percent	0.0%		
	Matrix				could result in wate	_		
	Notes pressure pro	biems, exposing	•	ective of huma	ity to contaminants	wnich would	exceed	
			levels prote	ective of Human	i ileaitii.			
					Adjustment		\$3,500	
					Aujustillelli	•	\$3,300	
								\$1,500
								, ,
Violati	on Events							
		r						
	Number of \	√iolation Events	3		65 Number	of violation da	ys	
	1			1				
		daily						
		weekly						
		monthly 	Х		3.00			+4.500
		quarterly			Vio	lation Base I	enalty	\$4,500
		semiannual						
		annual						
		single event						
	Three monthly	y events are rec			f the investigation,	April 26, 2022	?, to the	
			date of scr	eening, June 3	0, 2022.			
Good F	aith Efforts to Com	vlqı	0.0%			Re	duction	\$0
					RP/Settlement Offer			, ,
		Extraordinary						
		Ordinary						
		N/A	Х					
		,						
		Notes	The Respond		neet the good faith	criteria for		
		. 10 200		this v	iolation.			
		L						
						Violation S	ubtotal	\$4,500
								. ,
Econoi	mic Benefit (EB) for	this violati	on		Statute	ory Limit T	est	
				l mc c		.		1. ===
	Estimate	ed EB Amount		\$798	Violation	Final Penalt	y rotal	\$4,500
			This vio	lation Final A	ssessed Penalty (adjusted for	limits)	\$4,500
					(·	,		4 1/300

	E	conomic	Benefit	Woı	rksheet		
Respondent	CSWR-Texas	Utility Operating C	ompany, LLC (F	PCW No.	1)		
Case ID No.	62574						
Reg. Ent. Reference No.	RN101264372	2					
	Public Water S	Supply				Percent Interest	Years of
Violation No.	5						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
•							
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		<u> </u>		0.00	\$0	n/a	\$0
Remediation/Disposal Permit Costs				0.00	\$0 \$0	n/a	\$0 \$0
Other (as needed)				0.00	\$0	n/a n/a	\$0
Notes for DELAYED costs			r connection, ca	alculated		ore service pumps the investigation to	
Avoided Costs	ANNU	ALIZE avoided co	osts before en	tering	item (except for	one-time avoide	d 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		<u> </u>		0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed) Notes for AVOIDED costs		<u> </u>		<u>JI 0.00</u>	1 \$0	\$0	\$0
Approx. Cost of Compliance		\$5,000			TOTAL		\$798

	Screening Date			2022-0820-MLM-E	PCW
	Respondent	CSWR-Texas Utility Operating	ng Company, LLC (PCW $ m I$	lo. 1)	Policy Revision 5 (January 28, 2021)
	Case ID No.	62574			PCW Revision February 11, 2021
Reg.	Ent. Reference No.	RN101264372			
		Public Water Supply			
	Enf. Coordinator	Samantha Salas			
	Violation Number				
	Rule Cite(s)	30 Tex. Admin. Code § 2		Tex. Health & Safety C	ode §
			341.0315(c)		
				00	
		Failed to provide an elevat pressure tank capacity of 20		-	
	Violation Description	connections requiring a pre-	-	•	· · · · · · · · · · · · · · · · · · ·
			e provided, indicating a S		,
		_			
	!				
				Base	Penalty \$5,000
> > F	vivenmental Duene		. Maduin		
>> En	vironmentai, Prope	rty and Human Health Harm	і матгіх		
	Release		Minor		
OR	Actual				
	Potential	х		Percent 30.0%	
		-	<u>'</u>		
>>Pro	grammatic Matrix				
	Falsification	Major Moderate	Minor		
				Percent 0.0%	
	Matrix Failure to p	rovide adequate elevated sto	orage or pressure tank ca	apacity could expose po	ersons
		he Facility to contaminants w	•		
		·		·	
			A -	livetus sut	¢2 F00
			AC	ljustment	\$3,500
					\$1,500
Violati	on Events				
	N		1	7	
	Number of \	/iolation Events 3	65	Number of violation of	ays
		daily	7		
		weekly	4		
		monthly x	1		
		quarterly	1	Violation Base	Penalty \$4,500
		semiannual			1 7 2 2 2
		annual			
		single event			
	Three monthly	v events are recommended, t		stigation, April 26, 202	2, to the
		date of sci	reening, June 30, 2022.		
Cood	aith Effactate Ca	mly 0.000			±0
Good F	aith Efforts to Com	Defore NOE/NOV			eduction \$0
		Extraordinary	NOE/NOV to EDPRP/Settlem		
		·			
		Ordinary			
		N/A x	<u> </u>		
		Notes The Respond	dent does not meet the g	good faith criteria for	
		Notes	this violation.		
				Violation	Subtotal \$4,500
Econor	mic Benefit (EB) for	this violation		Statutory Limit	Test
	F-11	ad ED Amaunt	#700	Violeties Final Day	the Total
	EStimate	ed EB Amount	\$798	Violation Final Pena	ity Total \$4,500
1					
		This via	lation Final Assessed	Penalty (adiusted fo	r limits) \$4,500

	Е	conomic	Benefit	Wor	ksheet		
Respondent	CSWR-Texas	Utility Operating C	ompany, LLC (P	CW No.	1)		
Case ID No.	62574				•		
Reg. Ent. Reference No.	RN101264372	2					
	Public Water S					_	Years of
Violation No.		5 upp. y				Percent Interest	Depreciation
	_					5.0	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description		•					
ztem zesenpaon							
Delayed Costs							
Équipment				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 Other (as needed)				0.00	\$0 \$0	n/a n/a	\$0 \$0
Notes for DELAYED costs		connection or a pro	essure tank cap	acity of		I storage capacity of sper connection, can be compliance.	
Avoided Costs	ANNU	ALIZE avoided co	osts before en	tering	item (except for	one-time avoide	d 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	<u>\$0</u>	\$0
Other (as needed) Notes for AVOIDED costs		JI JI		0.00	\$0	\$0	\$0
Approx. Cost of Compliance		\$5,000			TOTAL		\$798

	Screening Date	30-Jun-2022		Docket	No. 2022-0820-MLM-E		PCW
	Respondent	CSWR-Texas U	tility Operating	Company, LLC (P	PCW No. 1)	Policy Revision	5 (January 28, 2021)
	Case ID No.	62574				PCW Revision	n February 11, 2021
Reg.	Ent. Reference No.	RN101264372					
	Media	Public Water Si	upply				
	Enf. Coordinator	Samantha Sala	ıS				
	Violation Number	7					
	Rule Cite(s))	30 T	ex. Admin. Code	8 290 46(u)		
			30 .	cxi / tariiiii ccac			
		E 11 11 1			1 11 20		
					ply well with cement in accor of results proving that the we		
	Violation Description				cility's abandoned Well No. 5		
		morr deceriorde	ca contaction o	been tested or pl		Tida Tide	
				·	33		
					Base	Penalty	\$5,000
>> En	vironmental, Prope	ety and Hur	nan Haalth	Matrix			
// EII	ivii oiiiileiitai, Prope	aty and nun	Harm	Matrix			
	Release	M ajor	Moderate	Minor			
OR	Actua	I					
	Potentia	l x			Percent 30.0%		
>>Pro	ogrammatic Matrix						
	Falsification	Major	Moderate	Minor	_		
					Percent 0.0%		
	Matrix Failure to pl	ug or test the at	andoned well	could cause the sc	ource water to be contaminate	ed with	
	Notes	•			ve of human health.		
		-					
					Adiustment	¢2 E00	
					Adjustment	\$3,500	
							\$1,500
Violati	ion Events						
	Number of	Violation Events	3	6	Number of violation da	ays	
		doily					
		daily weekly					
		monthly					
		quarterly	X		Violation Base	Penalty	\$4,500
		semiannual			1101441011 2400		ψ 1/300
		annual					
		single event					
			commonded fr	om the data of the			
	Thron month	wayonte are rec			investigation April 26 202	2 to the	
	Three month	ly events are rec	•		e investigation, April 26, 2022	<mark>2, to the</mark>	
	Three month	ly events are rec	•	eening, June 30, 2		2, to the	
			date of scre		022.		
Good I	Three month Faith Efforts to Con	nply	date of scre	eening, June 30, 2	022.	2, to the	\$0
Good I		nply	date of scre 0.0% Before NOE/NOV		022.		\$0
Good I		nply E Extraordinary	0.0% Before NOE/NOV	eening, June 30, 2	022.		\$0
Good I		nply E Extraordinary Ordinary	0.0% Before NOE/NOV	eening, June 30, 2	022.		\$0
Good I		nply E Extraordinary	0.0% Before NOE/NOV	eening, June 30, 2	022.		\$0
Good I		nply Extraordinary Ordinary N/A	0.0% Before NOE/NOV X The Responde	NOE/NOV to EDPRP/S	Resettlement Offer		\$0
Good I		nply E Extraordinary Ordinary	0.0% Before NOE/NOV X The Responde	NOE/NOV to EDPRP/S	Resettlement Offer the good faith criteria for		\$0
Good I		nply Extraordinary Ordinary N/A	0.0% Before NOE/NOV X The Responde	NOE/NOV to EDPRP/S	Resettlement Offer the good faith criteria for		\$0
Good I		nply Extraordinary Ordinary N/A	0.0% Before NOE/NOV X The Responde	NOE/NOV to EDPRP/S	Resettlement Offer the good faith criteria for ion.	eduction	
Good I		nply Extraordinary Ordinary N/A	0.0% Before NOE/NOV X The Responde	NOE/NOV to EDPRP/S	Resettlement Offer the good faith criteria for	eduction	\$4,500
		n ply EExtraordinary Ordinary N/A Notes	O.0% Before NOE/NOV X The Responde	NOE/NOV to EDPRP/S	Resettlement Offer the good faith criteria for ion.	eduction	
	Faith Efforts to Con	nply Extraordinary Ordinary N/A Notes	O.0% Before NOE/NOV X The Responde	ening, June 30, 2 NOE/NOV to EDPRP/S ent does not meet this violat	the good faith criteria fortion. Violation S Statutory Limit	Subtotal	\$4,500
	Faith Efforts to Con	n ply EExtraordinary Ordinary N/A Notes	O.0% Before NOE/NOV X The Responde	NOE/NOV to EDPRP/S	the good faith criteria fortion.	Subtotal	
	Faith Efforts to Con	nply Extraordinary Ordinary N/A Notes	O.0% Before NOE/NOV X The Responde	ening, June 30, 2 NOE/NOV to EDPRP/S ent does not meet this violat	the good faith criteria fortion. Violation S Statutory Limit	Subtotal Fest ty Total	\$4,500

	Е	conomic	Benefit	Wor	ksheet		
Respondent	CSWR-Texas	Utility Operating C	ompany, LLC (P	CW No.	1)		
Case ID No.	62574						
Reg. Ent. Reference No.	RN101264372	<u>)</u>					
	Public Water S						Years of
Violation No.		σρ.,				Percent Interest	Depreciation
Violation Noi	,					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description		Date Required	i iliai Bate		znici est savea	00505 54104	25 / mount
Item Description							
Delayed Costs							
Equipment		1		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	+2.000	26.4 2022	7.14 2024	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 o			-	ig or test the abar e estimated date o	doned Well No. 5, of compliance.	calculated from
Avoided Costs	ANNU	ALIZE avoided c	osts before en			one-time avoide	
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 \$0	\$0 \$0
Other (as needed) Notes for AVOIDED costs		JL L		<u> 0.00</u>	1 \$0	\$U	\$0
Approx. Cost of Compliance		\$2,000			TOTAL		\$203



PAYABLE PENALTY

Penalty Calculation Worksheet (PCW) Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

						, ,
DATES	Assigned	27-Jun-2022	<u> </u>	_		
	PCW	1-Jul-2022	Screening 30-Jun-2022	EPA Due		
RESPO	NDENT/FACILT	TY INFORMATI	ON			
			lity Operating Company, LLC	C (DCW/No. 2)		
Daa	Kespondent	DN101264272	ity Operating Company, LLC	. (PCW NO. 2)		
	j. Ent. Ref. No.					
Facilit	ty/Site Region	2-Lubbock		Major/M	linor Source Minor	
CASE II	NFORMATION					
Ent	f./Case ID No.	62574		No. o	of Violations 1	
		2022-0820-MLM	-F	1	Order Type 1660	
Med	lia Program(s)			Government	/Non-Profit No	
iicu		Public Water Su	anly		Coordinator Samantha Sala	20
	Multi-Media	rublic water 5u	эргу	J		
			+0	\ <u></u>	EC's Team Enforcement T	eam 5
Adn	nin. Penalty \$ I	_imit Minimum	\$0 Maximum	\$5,000		
			Penalty Calcula	tion Section	nn -	
			Terraity Calcula	icion Secti	JII	
TOTAL	L BASE PENA	LTY (Sum of	violation base penal	ties)	Subtotal 1	\$500
_						·
ADJUS	STMENTS (+	/-) TO SUBT	OTAL 1			
	Subtotals 2-7 are of	tained by multiplying	the Total Base Penalty (Subtotal 1) by the indicated r	ercentage	
	Compliance His		0.0%		Subtotals 2, 3, & 7	\$0
	compliance in		ancement for one NOV with			φ0
	Notes		e notice of intent to conduct			
	140005	of violations i	s below zero, the Adjustmer	nt Percentage (S	Subtotal 2)	
			defaults to zero			
	Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
	•					•
	Notes	The Re	spondent does not meet the	culpability crite	eria	
	140005	THE ITE	spondent does not meet the	carpability circ		
	•					
	Cood Esith Eff	out to Comply T	otal Adiustments		Subtatal E	#0
	Good Faith Effe	ort to Comply T	otal Adjustments		Subtotal 5	\$0
	Good Faith Effe	ort to Comply T	otal Adjustments		Subtotal 5	\$0
			-			·
	Good Faith Effe	efit	0.0%	Enhancement*	Subtotal 6	\$0 \$0
	Economic Bene	efit Total EB Amounts	0.0% \$36 *Cappe	Enhancement* ed at the Total EB \$ 2	Subtotal 6	·
	Economic Bene	efit	0.0%		Subtotal 6	·
	Economic Bene Estimated	efit Total EB Amounts Cost of Compliance	0.0% \$36 *Cappe		Subtotal 6 Amount	\$0
	Economic Bene	efit Total EB Amounts Cost of Compliance	0.0% \$36 *Cappe		Subtotal 6	·
	Economic Bene Estimated	efit Total EB Amounts Cost of Compliance	0.0% \$36 *Cappe		Subtotal 6 Amount	\$0
SUM C	Economic Bene Estimated	efit Total EB Amounts Cost of Compliance	0.0% \$36 \$360	d at the Total EB \$.	Subtotal 6 Amount Final Subtotal	\$0 \$500
SUM C	Economic Bene Estimated OF SUBTOTAL	efit Total EB Amounts Cost of Compliance LS 1-7 AS JUSTICE N	\$36 \$360 *Cappe		Subtotal 6 Amount	\$0
SUM C	Economic Bene Estimated OF SUBTOTAL	efit Total EB Amounts Cost of Compliance	\$36 \$360 *Cappe	d at the Total EB \$.	Subtotal 6 Amount Final Subtotal	\$0 \$500
SUM C	Economic Bene Estimated OF SUBTOTAL R FACTORS A	efit Total EB Amounts Cost of Compliance LS 1-7 AS JUSTICE N	\$36 \$360 *Cappe	d at the Total EB \$.	Subtotal 6 Amount Final Subtotal	\$0 \$500
SUM C	Economic Bene Estimated OF SUBTOTAL	efit Total EB Amounts Cost of Compliance LS 1-7 AS JUSTICE N	\$36 \$360 *Cappe	d at the Total EB \$.	Subtotal 6 Amount Final Subtotal	\$0 \$500
SUM C	Economic Bene Estimated OF SUBTOTAL R FACTORS A	efit Total EB Amounts Cost of Compliance LS 1-7 AS JUSTICE N	\$36 \$360 *Cappe	d at the Total EB \$.	Subtotal 6 Amount Final Subtotal Adjustment	\$500 \$500
SUM C	Economic Bene Estimated OF SUBTOTAL R FACTORS A	efit Total EB Amounts Cost of Compliance LS 1-7 AS JUSTICE N	\$36 \$360 *Cappe	d at the Total EB \$.	Subtotal 6 Amount Final Subtotal	\$0 \$500
SUM C	Economic Bene Estimated OF SUBTOTAL R FACTORS A	efit Total EB Amounts Cost of Compliance LS 1-7 AS JUSTICE N	\$36 \$360 *Cappe	d at the Total EB \$.	Subtotal 6 Amount Final Subtotal Adjustment	\$500 \$500
SUM COTHER	Economic Bene Estimated OF SUBTOTAL R FACTORS A or enhances the Final Notes	Total EB Amounts Cost of Compliance LS 1-7 AS JUSTICE N Subtotal by the indice	\$36 \$360 *Cappe	d at the Total EB \$.	Subtotal 6 Amount Final Subtotal Adjustment Final Penalty Amount	\$500 \$500
SUM COTHER	Economic Bene Estimated OF SUBTOTAL R FACTORS A or enhances the Final Notes	efit Total EB Amounts Cost of Compliance LS 1-7 AS JUSTICE N	\$36 \$360 *Cappe	d at the Total EB \$.	Subtotal 6 Amount Final Subtotal Adjustment	\$500 \$500
SUM CONTHEIN Reduces of STATU	Economic Bene Estimated OF SUBTOTAL R FACTORS A or enhances the Final Notes	Total EB Amounts Cost of Compliance LS 1-7 AS JUSTICE N Subtotal by the indice	\$36 \$360 *Cappe	0.0%	Subtotal 6 Amount Final Subtotal Adjustment Final Penalty Amount Final Assessed Penalty	\$500 \$500 \$500
SUM CONTHEIN	Economic Bene Estimated OF SUBTOTAL R FACTORS A or enhances the Final Notes JTORY LIMIT	Total EB Amounts Cost of Compliance LS 1-7 AS JUSTICE N Subtotal by the indicent	\$36 \$360 *Cappe \$360	d at the Total EB \$.	Subtotal 6 Amount Final Subtotal Adjustment Final Penalty Amount	\$500 \$500
SUM CONTHEIN	Economic Bene Estimated OF SUBTOTAL R FACTORS A or enhances the Final Notes JTORY LIMIT	Total EB Amounts Cost of Compliance LS 1-7 AS JUSTICE N Subtotal by the indice	\$36 \$360 *Cappe \$360	0.0%	Subtotal 6 Amount Final Subtotal Adjustment Final Penalty Amount Final Assessed Penalty	\$500 \$500 \$500
SUM CONTHEIN	Economic Bene Estimated OF SUBTOTAL R FACTORS A or enhances the Final Notes JTORY LIMIT	Total EB Amounts Cost of Compliance LS 1-7 AS JUSTICE N Subtotal by the indicent	\$36 \$360 *Cappe \$360	0.0%	Subtotal 6 Amount Final Subtotal Adjustment Final Penalty Amount Final Assessed Penalty	\$500 \$500 \$500
SUM CONTHEIN	Estimated Estimated OF SUBTOTAL R FACTORS A or enhances the Final Notes JTORY LIMIT RRAL he Final Assessed Pe	Total EB Amounts Cost of Compliance LS 1-7 AS JUSTICE N Subtotal by the indicate nalty by the indicate	\$36 *Cappe \$360 *AY REQUIRE cated percentage.	0.0%	Subtotal 6 Amount Final Subtotal Adjustment Final Penalty Amount Final Assessed Penalty	\$500 \$500 \$500
SUM CONTHEIN	Economic Bene Estimated OF SUBTOTAL R FACTORS A or enhances the Final Notes JTORY LIMIT	Total EB Amounts Cost of Compliance LS 1-7 AS JUSTICE N Subtotal by the indicate nalty by the indicate	\$36 \$360 *Cappe \$360	0.0%	Subtotal 6 Amount Final Subtotal Adjustment Final Penalty Amount Final Assessed Penalty	\$500 \$500 \$500

\$400

Screening Date 30-Jun-2022

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

Case ID No. 62574

Reg. Ent. Reference No. RN101264372

Media Water Rights

Enf. Coordinator Samantha Salas

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

PCW

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%
	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
Orders	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%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
and Consent Decrees	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 (number of events)	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 (number of audits for which notices were submitted)	1	-1%
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%

	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%

	Screening Date			0. 2022-0820-MLM-E	PCW
	Respondent	CSWR-Texas Utility Op	perating Company, LLC (PC)	W No. 2)	Policy Revision 5 (January 28, 2021)
	Case ID No.				PCW Revision February 11, 2021
Reg.	Ent. Reference No.				
		Water Rights			
	Enf. Coordinator	Samantha Salas			
	Violation Number	1			
	Rule Cite(s)	30 Tex. Admin. Cod	le §§ 288.20(a) and 288.30 11.1272(c)	0(5)(B) and Tex. Water Co	ode §
	Violation Description	-	lrought contingency plan w nunicipal use by a retail pub		for
				Base I	Penalty \$5,000
>> Env	vironmental, Propei	ty and Human He	ealth Matrix		
		Har	·m		
00	Release	Major Mode	rate Minor		
OR	Actual			Percent 0.0%	
	Potential			Percent 0.0%	
>>Pro	grammatic Matrix				
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Falsification	Major Mode	rate Minor		
		х		Percent 10.0%	
	Matrix Notes	100% of th	e rule requirements were n	ot met.	
			· ·	Adjustment	\$4,500
					\$500
Violatio	on Events				
Violatio	on Events				
	Number of V	iolation Events 1	65	Number of violation da	nys
		daily			
		weekly			
		monthly			•
		quarterly		Violation Base I	Penalty \$500
		semiannual			
		annual			
		single event x			
		One s	ingle event is recommende	d.	
	111 ECC 1 1 C			_	10
Good F	aith Efforts to Com		D.0% E/NOV NOE/NOV to EDPRP/Settle		duction \$0
		Extraordinary	L/NOV NOL/NOV to EDFRF/Settle		
		Ordinary			
		N/A x			
		Notes The R	espondent does not meet the for this violation		
				Violation S	ubtotal \$500
Econor	nic Benefit (EB) for	this violation		Statutory Limit T	est
	Estimate	ed EB Amount	\$36	Violation Final Penalt	y Total \$500
		This	s violation Final Assessed	d Penalty (adjusted for	limits) \$500
		inis	, violation Fillal ASSESSEC	a Penaity (aujusteu ior	mints) \$300

	E	conomic	Benefit	Wor	rksheet		
Respondent	CSWR-Texas I	Utility Operating C	ompany, LLC (F	CW No.	2)		
Case ID No.		, ,	. ,		,		
Reg. Ent. Reference No.)					
	Water Rights						Years of
Violation No.	_					Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Équipment				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		<u> </u>		0.00	\$0	n/a	\$0
Permit Costs Other (as needed)	\$360	26-Apr-2022	4-May-2024	0.00 2.02	\$0 \$36	n/a n/a	\$0 \$36
Notes for DELAYED costs	The delayed o				aft and adopt a dro the estimated dat	ought contingency pe e of compliance.	lan, calculated
Avoided Costs	ANNU	ALIZE avoided c	osts before en			one-time avoided	
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		<u> </u>		0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed) Notes for AVOIDED costs		JI II		0.00	1 \$0	<u> </u>	\$0
Approx. Cost of Compliance		\$360			TOTAL		\$36



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.

Customer, Respondent, or CN605844786, CSWR-Texas Utility Operating Classification: SATISFACTORY Rating: 7.29

Owner/Operator: Company, LLC

Regulated Entity: RN101264372, FRANKLIN WATER SYSTEMS Classification: NOT APPLICABLE Rating: N/A

3

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

CH Group: 14 - Other

Location: 4813 IDALOU ROAD IN LUBBOCK, LUBBOCK COUNTY, TEXAS

TCEQ Region: REGION 02 - LUBBOCK

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1520080

Compliance History Period: September 01, 2018 to August 31, 2023 Rating Year: 2023 Rating Date: 09/01/2023

Date Compliance History Report Prepared: December 06, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 06, 2018 to December 06, 2023

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

Name: Samantha Salas Phone: (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?

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(I)

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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
CSWR-TEXAS UTILITY OPERATING	§	TEXAS COMMISSION ON
COMPANY, LLC	§	
RN101264372	§	
	§	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-7	'exas 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, th	rough 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 chickenwire 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:
 - 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

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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.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY			
;			
For the Commission	Date		
Custo	4/8/2024		
For the Executive Director	Date		
I, the undersigned, have read and understand the attached order, and I do agree to the terms and co acknowledge that the TCEQ, in accepting payment for on such representation.	nditions specified therein. I further		
I also understand that failure to comply with the Orde and/or failure to timely pay the penalty amount, may			
 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 docum	ents may result in criminal prosecution.		
	2112/2024		
Signature	Date		
Josian 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.