

**Executive Summary – Enforcement Matter – Case No. 64445**  
**CSWR-Texas Utility Operating Company, LLC**  
**RN103145603**  
**Docket No. 2023-1048-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

No

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

Bridgewood Hills WWTF, located southwest corner of the Dominion Subdivision, adjacent to Leon Creek and approximately 3.5 miles north of IH-10 and Loop 1604, San Antonio, Bexar County

**Type of Operation:**

Wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** June 28, 2024

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$14,025

**Amount Deferred for Expedited Settlement:** \$2,805

**Total Paid to General Revenue:** \$11,220

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

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** April 28, 2023

**Date(s) of NOE(s):** July 27, 2023

**Executive Summary – Enforcement Matter – Case No. 64445  
CSWR-Texas Utility Operating Company, LLC  
RN103145603  
Docket No. 2023-1048-MWD-E**

***Violation Information***

Failed to comply with permitted effluent limitations for total suspended solids [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014376001, Interim I Effluent Limitations and Monitoring Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

By August 31, 2023, the Respondent implemented corrective measures at the Facility and achieved compliance with permitted effluent limitations for TPDES Permit No. WQ0014376001.

**Technical Requirements:**

N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Taylor Williamson, Enforcement Division, Enforcement Team 1, MC R-12, (512) 239-2097; 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, Suite 140, Des Peres, Missouri 63131

**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>	31-Jul-2023			
	<b>PCW</b>	23-Aug-2023	<b>Screening</b>	10-Aug-2023	<b>EPA Due</b>

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	CSWR-Texas Utility Operating Company, LLC
<b>Reg. Ent. Ref. No.</b>	RN103145603
<b>Facility/Site Region</b>	13-San Antonio
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	64445	<b>No. of Violations</b>	2
<b>Docket No.</b>	2023-1048-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Taylor Williamson
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$13,750
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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>	12.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$1,650
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Notes: Enhancement for two months of self-reported effluent violations and one NOV with similar violations. Reductions for one notice of intent to conduct an audit and one disclosure of violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$1,375
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$500  
 Estimated Cost of Compliance: \$12,000  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$14,025
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: [Empty box]

<b>Final Penalty Amount</b>	\$14,025
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$14,025
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<b>DEFERRAL</b>	20.0%	Reduction	<b>Adjustment</b>	-\$2,805
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$11,220
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**Screening Date** 10-Aug-2023

**Docket No.** 2023-1048-MWD-E

**PCW**

**Respondent** CSWR-Texas Utility Operating Company, LLC

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 64445

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN103145603

**Media** Water Quality

**Enf. Coordinator** Taylor Williamson

### 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> )	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	1	-2%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 12%

>> **Repeat Violator (Subtotal 3)**

No

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

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

Satisfactory Performer

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

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement for two months of self-reported effluent violations and one NOV with similar violations. Reductions for one notice of intent to conduct an audit and one disclosure of violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 12%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 12%

**Screening Date** 10-Aug-2023 **Docket No.** 2023-1048-MWD-E **PCW**  
**Respondent** CSWR-Texas Utility Operating Company, LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 64445 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN103145603  
**Media** Water Quality  
**Enf. Coordinator** Taylor Williamson

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014376001, Interim I Effluent Limitations and Monitoring Requirements No. 1

**Violation Description** Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		X		25.0%
	Potential				

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$18,750

\$6,250

**Violation Events**

Number of Violation Events 1 31 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$6,250

One monthly event is recommended for December 2022.

**Good Faith Efforts to Comply**

10.0% Reduction \$625

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

Notes The Respondent achieved compliance by August 31, 2023.

**Violation Subtotal** \$5,625

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

**Statutory Limit Test**

Estimated EB Amount \$500

Violation Final Penalty Total \$6,375

**This violation Final Assessed Penalty (adjusted for limits)** \$6,375

# Economic Benefit Worksheet

**Respondent** CSWR-Texas Utility Operating Company, LLC  
**Case ID No.** 64445  
**Reg. Ent. Reference No.** RN103145603  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$12,000	31-Oct-2022	31-Aug-2023	0.83	\$500	n/a	\$500

**Notes for DELAYED costs** Estimated cost to determine the cause of noncompliance and make any necessary repairs/adjustments to the Facility to return to compliance with the permitted effluent limitations. Date required is the end date of the first month of noncompliance, and the final date is the date of compliance.

### Avoided Costs

#### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$12,000

**TOTAL** \$500

**Screening Date** 10-Aug-2023 **Docket No.** 2023-1048-MWD-E **PCW**  
**Respondent** CSWR-Texas Utility Operating Company, LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 64445 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN103145603  
**Media** Water Quality  
**Enf. Coordinator** Taylor Williamson

**Violation Number** 2  
**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0014376001, Interim I Effluent Limitations and Monitoring Requirements No. 1  
**Violation Description** Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

**Base Penalty** \$25,000

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual			x	<b>Percent</b> 15.0%
Potential					

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

**Matrix Notes** Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$21,250

\$3,750

**Violation Events**

Number of Violation Events 2 92 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$7,500

Two quarterly events are recommended for the months of October 2022, November 2022, and January 2023.

**Good Faith Efforts to Comply** 10.0% Reduction \$750

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

**Notes** The Respondent achieved compliance by August 31, 2023.

**Violation Subtotal** \$6,750

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

**Estimated EB Amount** \$0 **Violation Final Penalty Total** \$7,650

**This violation Final Assessed Penalty (adjusted for limits)** \$7,650

# Economic Benefit Worksheet

**Respondent** CSWR-Texas Utility Operating Company, LLC  
**Case ID No.** 64445  
**Reg. Ent. Reference No.** RN103145603  
**Media** Water Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs** Estimated other cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations is captured in Economic Benefit Worksheet No. 1.

### 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

**TOTAL**

CSWR-Texas Utility Operating Company, LLC  
Docket No. 2023-1048-MWD-E  
TPDES Permit No. WQ0014376001

Effluent Violation Table

Monitoring Period	Total Suspended Solids Daily Average Concentration Limit = 5 mg/L	Total Suspended Solids Single Grab Concentration Limit = 30 mg/L	Total Suspended Solids Daily Average Loading Limit = 13 lbs/day
October 2022	5.25	c	c
November 2022	6.4	c	13.3
December 2022	24	66	42.85
January 2023	11.5	c	21.3

mg/L = milligrams per liter

lbs/day = pounds per day

c = compliant



# Compliance History Report

Compliance History Report for CN605844786, RN103145603, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

**Customer, Respondent, or Owner/Operator:** CN605844786, CSWR-Texas Utility Operating Company, LLC  
**Classification:** SATISFACTORY **Rating:** 7.29

**Regulated Entity:** RN103145603, BRIDGEWOOD HILLS WASTEWATER TREATMENT FACILITY  
**Classification:** SATISFACTORY **Rating:** 3.10

**Complexity Points:** 5  
**Repeat Violator:** NO

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

**Location:** Southwest corner of the Dominion Subdivision, adjacent to Leon Creek and approximately 3.5 miles north of the intersection of Interstate Highway 10 and Loop 1604 in San Antonio, Bexar County, Texas

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

**ID Number(s):**

**WASTEWATER AUTHORIZATION** R14376001A **WASTEWATER PERMIT** WQ0014376001  
**WASTEWATER EPA ID** TX0090603

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

**Date Compliance History Report Prepared:** March 28, 2024

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** March 28, 2019 to March 28, 2024

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

**Name:** Taylor Williamson **Phone:** (512) 239-2097

**Site and Owner/Operator History:**

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

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

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

N/A

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	April 20, 2019	(1573062)	Item 14	May 19, 2020	(1661312)
Item 2	May 19, 2019	(1585724)	Item 15	June 20, 2020	(1667839)
Item 3	June 19, 2019	(1585725)	Item 16	July 20, 2020	(1674787)
Item 4	July 19, 2019	(1594418)	Item 17	September 11, 2020	(1681557)
Item 5	August 29, 2019	(1600711)	Item 18	September 20, 2020	(1688135)
Item 6	September 19, 2019	(1607626)	Item 19	October 19, 2020	(1694491)
Item 7	October 20, 2019	(1614496)	Item 20	November 19, 2020	(1716081)
Item 8	November 19, 2019	(1620285)	Item 21	December 20, 2020	(1716082)
Item 9	December 17, 2019	(1627634)	Item 22	January 20, 2021	(1716083)
Item 10	January 19, 2020	(1635265)	Item 23	February 20, 2021	(1729154)
Item 11	February 19, 2020	(1641880)	Item 24	March 20, 2021	(1729155)
Item 12	March 19, 2020	(1648394)	Item 25	April 19, 2021	(1729156)
Item 13	April 20, 2020	(1654746)	Item 26	May 18, 2021	(1741875)

Item 27	June 20, 2021	(1748203)	Item 39	June 20, 2022	(1836306)
Item 28	July 19, 2021	(1752907)	Item 40	September 16, 2022	(1857423)
Item 29	August 19, 2021	(1758315)	Item 41	October 14, 2022	(1863778)
Item 30	September 18, 2021	(1767588)	Item 42	May 19, 2023	(1913695)
Item 31	October 19, 2021	(1778102)	Item 43	July 17, 2023	(1927289)
Item 32	November 19, 2021	(1784833)	Item 44	August 18, 2023	(1934233)
Item 33	December 19, 2021	(1791865)	Item 45	September 20, 2023	(1940406)
Item 34	January 18, 2022	(1799715)	Item 46	October 20, 2023	(1947212)
Item 35	February 16, 2022	(1807550)	Item 47	November 20, 2023	(1952900)
Item 36	March 20, 2022	(1814591)	Item 48	December 20, 2023	(1962673)
Item 37	April 19, 2022	(1821159)	Item 49	January 18, 2024	(1969259)
Item 38	May 20, 2022	(1829996)			

**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: 03/31/2023 (1906542)  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
  
- 2 Date: 05/31/2023 (1920304)  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
  
- 3 Date: 08/31/2023 (1904876)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 210, SubChapter B 210.25(b)  
General Requirements I.N(1), PERMIT  
Description: Failure to post warning signs along the reclaimed water pond.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 210, SubChapter B 210.25(g)  
General Requirements, Section I(I) PERMIT  
Description: Failure to paint exposed reclaimed water piping purple and to stencil the warning "Non-Potable Water" on the pipe.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 319, SubChapter A 319.11(c)  
Monitoring Requirements No. 2(a) PERMIT  
Description: Failed to properly analyze effluent samples.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.126(a)  
Operational Requirement No. 8(a) PERMIT  
Description: Failed to initiate engineering and financial planning or obtain a waiver for expansion and/or upgrading of the wastewater treatment and/or collection facilities when the flow at the wastewater treatment plant (WWTP) reaches 75% of the permitted daily average or annual average flow for three consecutive months.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Sludge Provisions, Section III.G PERMIT  
Description: Failure to submit the 2022 Annual Sludge Report.  
Self Report? NO Classification: Minor  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 305, SubChapter F 305.125(5)  
Sludge Provisions, Section III.A PERMIT  
Description: Failure to operate and maintain the sludge drying beds in a manner that would have prevented an unauthorized discharge.  
Self Report? NO Classification: Minor  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
Permit Conditions No. 2.g PERMIT  
Description: Failure to prevent the unauthorized discharge of wastewater. Specifically, during the 12 months preceding the investigation, one unauthorized discharge was reported.  
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 210, SubChapter C 210.36(2)  
Part V, Record Keeping and Reporting PERMIT

Description: Failure to submit monthly effluent reports for Reclaimed Water Authorization No. R14376-001A.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 210, SubChapter B 210.23(c)(7)  
Part II, Storage Requirements PERMIT

Description: Failure to maintain the soil embankment and the impermeable liner of the reclaimed water holding pond.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 317 317.7(i)

Description: Failure to equip a threaded gate valve with an atmospheric vacuum breaker.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 217, SubChapter K 217.275(c)

Description: Failure to keep the outdoors chlorine gas cylinders in a storage structure that protects the cylinders from direct sunlight.

**F. Environmental audits:**

Notice of Intent Date: 04/06/2022 (1809711)  
Disclosure Date: 04/06/2022  
Viol. Minor  
Classification:  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
Description: Failed to install proper dry chemical storage.  
Viol. Moderate  
Classification:  
Citation: 30 TAC Chapter 217, SubChapter M 217.324(a)  
Description: Failed to provide gas chlorine safety equipment.  
Viol. Minor  
Classification:  
Citation: 30 TAC Chapter 217, SubChapter A 217.16(b)(3)

30 TAC Chapter 305, SubChapter F 305.125(5)  
Description: Failed to maintain safety data sheets for chemicals.  
Viol. Minor  
Classification:  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
Description: Failed to maintain facilities free from vegetation grub and the fencing free from tree growth.  
Viol. Minor  
Classification:  
Citation: 30 TAC Chapter 217, SubChapter M 217.324(a)  
30 TAC Chapter 305, SubChapter F 305.125(5)  
Description: Failed to maintain the chemical storage area.

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CSWR-TEXAS UTILITY OPERATING  
COMPANY, LLC  
RN103145603

§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2023-1048-MWD-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. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located in the southwest corner of the Dominion Subdivision, adjacent to Leon Creek and approximately 3.5 miles north of the intersection of Interstate Highway 10 and Loop 1604 in San Antonio, Bexar County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 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 \$14,025 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$11,220 of the penalty and \$2,805 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § § 70.10(a). Any notice and procedures, which might otherwise be authorized or

required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that by August 31, 2023, the Respondent implemented corrective measures at the Facility and achieved compliance with permitted effluent limitations for Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014376001.

## II. ALLEGATIONS

During a record review for the Facility conducted on April 28, 2023, an investigator documented that the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0014376001, Interim I Effluent Limitations and Monitoring Requirements No. 1, as shown in the effluent violation table below:

Effluent Violation Table

Monitoring Period	Total Suspended Solids	Total Suspended Solids	Total Suspended Solids
	Daily Average Concentration Limit = 5 mg/L	Single Grab Concentration Limit =30 mg/L	Daily Average Loading Limit = 13 lbs/day
October 2022	5.25	c	c
November 2022	6.4	c	13.3
December 2022	24	66	42.85
January 2023	11.5	c	21.3

mg/L = milligrams per liter

lbs/day = pounds per day

c = compliant

### 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:

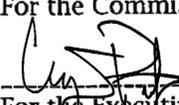
1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring 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. 2023-1048-MWD-E" to:

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

2. All relief not expressly granted in this Order is denied.
3. 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.
4. 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.
5. 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.
6. 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

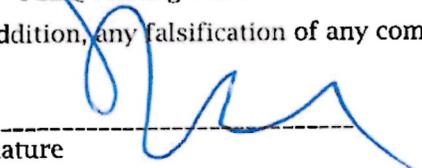
----- For the Commission	----- Date
 -----	7/2/2024 -----
For the Executive Director	Date

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	4/26/2024 ----- Date
	President/CEO ----- Title

Name (Printed or typed)  
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.