

Executive Summary – Enforcement Matter – Case No. 64487
CSWR-Texas Utility Operating Company, LLC
RN102678885
Docket No. 2023-1072-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three repeated enforcement actions (or two orders with nuisance violations) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

Abraxas Utilities, located 0.09 mile from the corner of White Settlement Road and Hillcroft Road, approximately five miles west of Interstate 820 Loop, Fort Worth, Parker County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2023-1536-PWS-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 10, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$17,900

Amount Deferred for Naturally Occurring Radionuclides: \$17,900

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - N/A

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 17, 2023 through July 28, 2023

Date(s) of NOE(s): July 28, 2023

Executive Summary – Enforcement Matter – Case No. 64487
CSWR-Texas Utility Operating Company, LLC
RN102678885
Docket No. 2023-1072-PWS-E

Violation Information

Failed to comply with the maximum contaminant level ("MCL") of 15 picoCuries per liter for gross alpha particle activity based on the running annual average [30 TEX. ADMIN. CODE § 290.108(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 180 days, submit an acceptable written plan, including a proposed schedule and any applicable planning materials, to the Executive Director that provides for an alternate water source, treatment technology, or other means of completing the necessary corrective actions to achieve compliance within 1,095 days with the MCL for gross alpha particle activity;
- b. Within 195 days, submit written certification to demonstrate compliance with a.;
- c. Within 365 days and on a semi-annual basis thereafter, submit progress reports. These reports shall include information regarding actions taken to provide water which meets the MCL for gross alpha particle activity;
- d. Within 1,095 days, return to compliance with the MCL for gross alpha particle activity based on a running annual average; and
- e. Within 1,110 days, submit written certification to demonstrate compliance with d.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Margaux Ordoveza, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-1128; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Karl Stephens, Texas Regional Manager, CSWR-Texas Utility Operating Company, LLC, 1630 Des Peres Road, Suite 140, Des Peres, Missouri 63131
Josiah Cox, President, CSWR-Texas Utility Operating Company, LLC, 1630 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

DATES	Assigned	31-Jul-2023	Screening	11-Aug-2023	EPA Due	31-Mar-2022
	PCW	14-Aug-2023				

RESPONDENT/FACILITY INFORMATION	
Respondent	CSWR-Texas Utility Operating Company, LLC
Reg. Ent. Ref. No.	RN102678885
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Major

CASE INFORMATION				
Enf./Case ID No.	64487	No. of Violations	1	
Docket No.	2023-1072-PWS-E	Order Type	Findings	
Media Program(s)	Public Water Supply	Government/Non-Profit	No	
Multi-Media		Enf. Coordinator	Aaren Owens	
		EC's Team	Enforcement Team 4	
Admin. Penalty \$	Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$10,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	29.0% Adjustment	Subtotals 2, 3, & 7	\$2,900
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Notes: Enhancement for two NOV's with the same/similar violations, one NOV with dissimilar violations, and one agreed order containing a denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	50.0% Enhancement*	Subtotal 6	\$5,000
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Total EB Amounts	\$15,818	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$40,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$17,900
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$17,900
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$17,900
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DEFERRAL	100.0% Reduction Adjustment	-\$17,900
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

The Executive Director recommends a conditional deferral for naturally occurring constituents.

PAYABLE PENALTY	\$0
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Screening Date 11-Aug-2023

Docket No. 2023-1072-PWS-E

PCW

Respondent CSWR-Texas Utility Operating Company, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 64487

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102678885

Media Public Water Supply

Enf. Coordinator Aaren Owens

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>)	2	10%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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) 29%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with the same/similar violations, one NOV with dissimilar violations, and one agreed order containing a denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 29%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 29%

Screening Date 11-Aug-2023 **Docket No.** 2023-1072-PWS-E **PCW**
Respondent CSWR-Texas Utility Operating Company, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 64487 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102678885
Media Public Water Supply
Enf. Coordinator Aaren Owens

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.108(f)(1) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to comply with the maximum contaminant level ("MCL") of 15 picoCuries per liter ("pci/L") for gross alpha particle activity based on the running annual average. Specifically, the running annual average concentrations of gross alpha particle activity at Entry Point No. 1 were 20 pCi/L for the second and third quarters of 2021, 19 pCi/L for the fourth quarter of 2021 and first quarter of 2022, 18 pCi/L for the second quarter of 2022, 19 pCi/L for the third quarter of 2022, 20 pCi/L for the fourth quarter of 2022, and 21 pCi/L for the first quarter of 2023 and at Entry Point No. 2 were 16 pCi/L for the second quarter of 2021, 17 pCi/L for the third quarter of 2021, 18 pCi/L for the fourth quarter of 2021 and first quarter of 2022, 17 pCi/L for the second quarter of 2022, and 16 pCi/L for the fourth quarter of 2022.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		x		50.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Exceeding the MCL for gross alpha particle activity caused the persons served by the facility to be exposed to a significant amount of contaminants which did not exceed levels protective of human health.

Adjustment \$2,500

\$2,500

Violation Events

Number of Violation Events 4 729 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$10,000

Four annual events are recommended (one event per site, per year).

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$10,000

Economic Benefit (EB) for this violation **Statutory Limit Test**
Estimated EB Amount \$15,818 **Violation Final Penalty Total** \$17,900
This violation Final Assessed Penalty (adjusted for limits) \$17,900

Economic Benefit Worksheet

Respondent CSWR-Texas Utility Operating Company, LLC
Case ID No. 64487
Reg. Ent. Reference No. RN102678885
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$40,000	30-Jun-2021	21-Feb-2027	5.65	\$753	\$15,065	\$15,818
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed cost includes the estimated amount to investigate, identify, and implement the necessary corrective actions to return to compliance with the MCL for gross alpha particle activity, calculated from the last day of the first quarter of noncompliance to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$40,000

TOTAL \$15,818



Compliance History Report

Compliance History Report for CN605844786, RN102678885, 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: RN102678885, ABRAXAS UTILITIES
Classification: NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: 0.09 miles from the corner of White Settlement Road and Hillcroft Road, approximately five miles west of interstate 820 Loop, Fort Worth, Parker County, Texas

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1840034

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

Date Compliance History Report Prepared: January 29, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 29, 2019 to January 29, 2024

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

Name: Aaren Owens

Phone: (409) 899-8741

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:

- 1 Effective Date: 10/18/2022 ADMINORDER 2021-1530-PWS-E (1660 Order-Agreed Order With Denial)
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)
30 TAC Chapter 290, SubChapter F 290.110(b)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
- Description: Failure to maintain a disinfectant residual of at least 0.2 milligrams per liter (mg/L) free chlorine throughout the distribution system. Specifically, on September 13, 2021 a free chlorine residual concentration of 0.1 mg/L was measured at 240 Arrowhead Drive.
- Classification: Minor
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
- Description: Failure to maintain all water treatments units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids. Specifically, the EST located at Water Plant No. 2 was leaking due to a hole in the sidewall.
- Classification: Minor
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
- Description: Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the perimeter fence around Water Plant No. 2 was overgrown with brush and vines, old firewood was stacked up against the fence, barbed wire atop the fence was loose and the gate left a gap when closed.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	October 17, 2019	(1599358)
Item 2	October 18, 2019	(1602856)
Item 7	May 27, 2021	(1724063)
Item 9	October 26, 2021	(1770294)

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.

- Date: 02/24/2023 (1916830)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.108(F)(1)
Description: GA MCL 4Q2022 - During the 4th quarter of 2022 the system violated the maximum contaminant level for gross alpha with a RAA of 20 pCi/L at EP001 and 16 pCi/L at EP002. ETT Point Value = 5
- Date: 04/25/2023 (1873834)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to ensure the good working condition and general appearance of water system facilities and equipment. EIC C4 MIN(3)(D)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(i)
Description: Failure to provide a production capacity of 0.6 gallons per minute (gpm) per connection. EIC B18(c)(10) MOD (2)(G)
- Date: 04/28/2023 (1916830)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.108(F)(1)
Description: GA MCL 1Q2023 - During the 1st quarter of 2023 the system violated the maximum contaminant level for gross alpha with a RAA of 21 pCi/L at EP001. ETT Point Value = 5

F. Environmental audits:

Notice of Intent Date: 02/08/2021 (1710314)
Disclosure Date: 03/01/2021
Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)
Description: Failed to provide adequate containment facilities.
Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)
Description: Failed to prevent exposed wires on Well No. 2.
Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
30 TAC Chapter 290, SubChapter D 290.46(v)
Description: Failed to prevent loose items in the pump house.
Disclosure Date: 07/20/2021
Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(B)
30 TAC Chapter 290, SubChapter D 290.47(f)
Description: Failed to establish an adequate cross-connection prevention program denoting appropriate backflow prevention devices and testing requirements.
Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)
Description: Failed to conduct customer service inspections.
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

Component Appendices

Appendix A

All NOVs Issued During Component Period 1/29/2019 and 1/29/2024

- 1 Date: 10/23/2018 (1626219)
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 290, SubChapter F 290.108(e)
Description: RAD MR 1Q2018 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 01/01/2018 to 03/31/2018 within the required timeline.
- 2 Date: 02/22/2019 (1626219)
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 290, SubChapter F 290.108(e)
Description: RAD MR 3Q2018 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 07/01/2018 to 09/30/2018 within the required timeline.
- Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 290, SubChapter F 290.108(e)
Description: RAD MR 2Q2018 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 04/01/2018 to 06/30/2018 within the required timeline.
- 3 Date: 06/18/2019 (1626219)
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 290, SubChapter F 290.108(e)
Description: RAD MR 4Q2018 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 10/01/2018 to 12/31/2018 within the required timeline.
- 4 Date: 09/18/2019 (1665196)
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.117(h)
30 TAC Chapter 290, SubChapter F 290.117(i)(1)
Description: LCR RT MR 1st 6M2019 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 01/01/2019 to 06/30/2019 within the required timeline.
- 5 Date: 10/11/2019 (1626219)
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 290, SubChapter F 290.108(e)
Description: RAD MR 1Q2019 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 01/01/2019 to 03/31/2019 within the required timeline.
- Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 290, SubChapter H 290.271(b)
30 TAC Chapter 290, SubChapter H 290.274(a)
30 TAC Chapter 290, SubChapter H 290.274(c)
Description: CCR 2018 - The system failed to provide the Consumer Confidence Report (CCR) for 2018 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

- 6 Date: 11/08/2019 (1626219)
 Self Report? NO Classification: Moderate
 Citation:
 Description: 30 TAC Chapter 290, SubChapter F 290.108(e)
 RAD MR 2Q2019 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 04/01/2019 to 06/30/2019 within the required timeline.
- 7 Date: 01/27/2020 (1626219)
 Self Report? NO Classification: Moderate
 Citation:
 Description: 30 TAC Chapter 290, SubChapter F 290.108(e)
 RAD MR 3Q2019 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 07/01/2019 to 09/30/2019 within the required timeline.
- 8 Date: 03/11/2020 (1631154)
 Self Report? NO Classification: Moderate
 Citation:
 Description: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)
 Failure to conduct annual inspections of the elevated storage tank.
 EIC B1 Mod(2)(E)
- 9 Date: 03/13/2020 (1665196)
 Self Report? NO Classification: Moderate
 Citation:
 Description: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.117(h)
 30 TAC Chapter 290, SubChapter F 290.117(i)(1)
 LCR RT MR 2nd 6M2019 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 07/01/2019 to 12/31/2019 within the required timeline.
- 10 Date: 03/17/2020 (1665196)
 Self Report? NO Classification: Moderate
 Citation:
 Description: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 COMB RAD MCL PN 3Q2019 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for Combined Radium during the third quarter of 2019.
- 11 Date: 04/16/2020 (1665196)
 Self Report? NO Classification: Moderate
 Citation:
 Description: 30 TAC Chapter 290, SubChapter F 290.108(e)
 RAD MR 4Q2019 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 10/01/2019 to 12/31/2019 within the required timeline.
- 12 Date: 04/24/2020 (1638976)
 Self Report? NO Classification: Moderate
 Citation:

30 TAC Chapter 290, SubChapter D 290.46(d)(2)
30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)
30 TAC Chapter 290, SubChapter F 290.110(b)(4)
Description: Failure to maintain a disinfectant residual of at least 0.2 milligrams per liter (mg/L) free chlorine throughout the distribution system.
B18c.(6), Moderate (2)(G)

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.46(q)(1)

Description: Failure to provide a copy of the boil water notice (BWN) to the executive director within 24 hours of being issued.
C3, Moderate (2)(B)

13 Date: 05/15/2020 (1644231)

Self Report? NO Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter D 290.46(m)

Description: EIC C4, Min (3)(D)

Failure to ensure the good working condition and general appearance of the water system's facilities and equipment.

Self Report? NO Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter D 290.41(c)(3)(Q)

Description: EIC C4, Min (3)(D)

Failure to install air release device vent in a manner to preclude the possible entrance of contaminants. Specifically, the air release device vents on both wells were facing upwards.

14 Date: 06/09/2020 (1665196)

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: COMB RAD MCL PN 4Q2019 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for Combined Radium during the fourth quarter of 2019.

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: COMB RAD MCL PN 2Q2018 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for Combined Radium during the second quarter of 2018.

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: COMB RAD MCL PN 1Q2018 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for Combined Radium during the first quarter of 2018.

15 Date: 01/06/2021 (1690717)

Self Report? NO Classification: Minor

Compliance History Report for CN605844786, RN102678885, Rating Year 2023 which includes Compliance History (CH) components from January 29, 2019, through January 29, 2024.

	Citation:	30 TAC Chapter 290, SubChapter D 290.44(a)(4)		
	Description:	Failure to install the water distribution line no less than 24 inches below the ground surface. EIC C4 MOD(2)(G)		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.44(a)(1) 30 TAC Chapter 290, SubChapter D 290.44(a)(2) 30 TAC Chapter 290, SubChapter D 290.44(a)(3)		
	Description:	Failure to have the plastic pipes conformed to American National Standards Institute/NSF International (ANSI/NSF) Standard 61. EIC C4 MOD(2)(G)		
16	Date:	05/12/2021 (1703085)		
	Self Report?	NO	Classification:	Major
	Citation:	30 TAC Chapter 290, SubChapter F 290.122(a)(2)		
	Description:	Failure to issue a Boil Water Notice within 24 hours after the situation requiring special precautions is identified. EIC A (12)(d)(5), Major		
17	Date:	11/18/2021 (1775626)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.108(f)(1)		
	Description:	COMB RAD MCL and GA MCL 2Q2021 - During the 2nd quarter of 2021 the system violated the maximum contaminant level for combined radium 226 and 228 with a RAA of 6 pCi/L on EP001 and for gross alpha with a RAA of 20 pCi/L on EP001 and with a RAA of 16 pCi/L on EP002.		
18	Date:	11/18/2021 (1916830)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.108(F)(1)		
	Description:	GA MCL 2Q2021 - During the 2nd quarter of 2021 the system violated the maximum contaminant level for gross alpha with a RAA of 20 pCi/L at EP001 and 16 pCi/L at EP002. ETT Point Value = 5		
19	Date:	12/15/2021 (1916830)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.108(F)(1)		
	Description:	GA MCL 3Q2021 - During the 3rd quarter of 2021 the system violated the maximum contaminant level for gross alpha with a RAA of 20 pCi/L at EP001 and 17 pCi/L at EP002. ETT Point Value = 5		
20	Date:	04/21/2022 (1916830)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.108(F)(1)		
	Description:	GA MCL 4Q2021 - During the 4th quarter of 2021 the system violated the maximum contaminant level for gross alpha with a RAA of 19 pCi/L at EP001 and 18 pCi/L at EP002. ETT Point Value = 5		
21	Date:	06/22/2022 (1916830)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.108(F)(1)		

Description: GA MCL 1Q2022 - During the 1st quarter of 2022 the system violated the maximum contaminant level for gross alpha with a RAA of 19 pCi/L at EP001 and 18 pCi/L at EP002. ETT Point Value = 5

22* Date: 12/15/2022 (1916830)

Self Report? NO

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.108(F)(1)

Description: GA MCL 2Q2022 - During the 2nd quarter of 2022 the system violated the maximum contaminant level for gross alpha with a RAA of 18 pCi/L at EP001 and 17 pCi/L at EP002. ETT Point Value = 5

23* Date: 01/04/2023 (1916830)

Self Report? NO

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.108(F)(1)

Description: GA MCL 3Q2022 - During the 3rd quarter of 2022 the system violated the maximum contaminant level for gross alpha with a RAA of 19 pCi/L at EP001. ETT Point Value = 5

24* Date: 02/24/2023 (1916830)

Self Report? NO

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.108(F)(1)

Description: GA MCL 4Q2022 - During the 4th quarter of 2022 the system violated the maximum contaminant level for gross alpha with a RAA of 20 pCi/L at EP001 and 16 pCi/L at EP002. ETT Point Value = 5

25* Date: 04/25/2023 (1873834)

Self Report? NO

Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to ensure the good working condition and general appearance of water system facilities and equipment. EIC C4 MIN(3)(D)

Self Report? NO

Classification: Moderate

Citation:

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

Description: Failure to provide a production capacity of 0.6 gallons per minute (gpm) per connection. EIC B18(c)(10) MOD (2)(G)

26* Date: 04/28/2023 (1916830)

Self Report? NO

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.108(F)(1)

Description: GA MCL 1Q2023 - During the 1st quarter of 2023 the system violated the maximum contaminant level for gross alpha with a RAA of 21 pCi/L at EP001. ETT Point Value = 5

* NOV's applicable for the Compliance History rating period 9/1/2018 to 8/31/2023

Appendix B

All Investigations Conducted During Component Period January 29, 2019 and January 29, 2024

Item 1*	October 17, 2019**	(1599358)
Item 2*	October 18, 2019**	(1602856)
Item 3	February 07, 2020**	(1626219)
Item 4	February 14, 2020**	(1629856)
Item 5	March 03, 2020**	(1631154)
Item 6	April 24, 2020**	(1645366)
Item 7	July 29, 2020**	(1665196)
Item 8	July 31, 2020**	(1665381)
Item 9*	May 27, 2021**	(1724063)
Item 10*	October 26, 2021**	(1770294)
Item 11	December 07, 2021**	(1775626)
Item 12	December 10, 2021**	(1776113)
Item 13	April 14, 2023**	(1873834)
Item 14	July 26, 2023**	(1916830)
Item 15	July 28, 2023**	(1917347)
Item 16	October 20, 2023	(1931310)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2018 and 08/31/2023.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CSWR-TEXAS UTILITY OPERATING
COMPANY, LLC
RN102678885

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

AGREED ORDER DOCKET NO. 2023-1072-PWS-E

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

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that 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. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located 0.09 miles from the corner of White Settlement Road and Hillcroft Road, approximately five miles west of interstate 820 Loop near Fort Worth, Parker County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 264 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(73).
2. During a record review for the Facility conducted on July 17, 2023 through July 28, 2023, an investigator documented that the running annual average concentrations of gross alpha particle activity at Entry Point No. 1 were 20 picoCuries per liter ("pCi/L") for the second and third quarters of 2021, 19 pCi/L for the fourth quarter of 2021 and first quarter of 2022, 18 pCi/L for the second quarter of 2022, 19 pCi/L for the third quarter of 2022, 20 pCi/L for the fourth quarter of 2022, and 21 pCi/L for the first quarter of 2023 and at Entry Point No. 2 were 16 pCi/L for the second quarter of 2021, 17 pCi/L for the third quarter of 2021, 18 pCi/L for the fourth quarter of 2021 and first quarter of 2022, 17 pCi/L for the second quarter of 2022, and 16 pCi/L for the fourth quarter of 2022.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to comply with the maximum contaminant level ("MCL") of 15 pCi/L for gross alpha particle activity based on the running annual average, in violation of 30 TEX. ADMIN. CODE § 290.108(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$17,900 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The amount of \$17,900 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and 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 requirement contained in this Order, the Executive Director may demand payment of all or part of the conditionally deferred penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that 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. 2023-1072-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 180 days after the effective date of this Order, submit an acceptable written plan, including a proposed schedule and any applicable planning materials, to the Executive Director that provides for an alternate water source, treatment technology, or other means of completing the necessary corrective

actions to achieve compliance within 1,095 days after the effective date of this Order with the MCL for gross alpha particle activity to the addresses listed in Ordering Provision No. 2.e below.

- b. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.e below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
- c. Within 365 days after the effective date of this Order and on a semi-annual basis thereafter, submit progress reports to the addresses listed in Ordering Provision No. 2.e below. These reports shall include information regarding actions taken to provide water which meets the MCL for gross alpha particle activity.
- d. Within 1,095 days after the effective date of this Order, return to compliance with the MCL for gross alpha particle activity based on a running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.108.
- e. Within 1,110 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d. 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:

Drinking Water Special Functions Section Manager
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. All relief not expressly granted in this Order is denied.

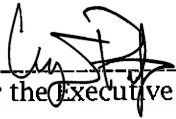
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
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 in this Order.
7. 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.
8. 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.
9. 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.
10. 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



For the Executive Director

5/28/2024


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.



Josiah Cox (Mar 12, 2024 07:03 PDT)
Signature

12/03/2024

Date

Josiah Cox
Name (Printed or typed)
Authorized Representative of
CSWR-Texas Utility Operating Company, LLC

President

Title

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.