

Executive Summary – Enforcement Matter – Case No. 64741
Texas Water Utilities, L.P.
RN101251403
Docket No. 2023-1258-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM – PWS, UTL

Small Business:

No

Location(s) Where Violation(s) Occurred:

Lake Medina Shores, 306 Frontier Drive, Bandera, Bandera County

Type of Operation:

Public water system

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: January 31, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$19,700

Amount Deferred for Expedited Settlement: \$3,940

Total Paid to General Revenue: \$15,760

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): December 24, 2022 through December 31, 2024

Complaint Information: Alleged poor water quality, low or no water pressure, inadequate customer service, and inadequate notice regarding a boil water notice.

Date(s) of Investigation: January 4, 2023 through May 24, 2023

Date(s) of NOE(s): September 6, 2023

Violation Information

1. Failed to provide the minimum total storage capacity. Specifically, in a letter dated March 19, 2009, the Facility was granted an alternative capacity requirement of 116

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Texas Water Utilities, L.P.

RN101251403

Docket No. 2023-1258-MLM-E

gallons total storage capacity per connection. The Facility had 828 connections in the Lake Medina Shores Pressure Plane requiring a total storage capacity of 96,048 gallons. However, only 90,942 gallons of total storage capacity were provided, indicating a 5% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

2. Failed to provide the minimum total storage capacity. Specifically, in a letter dated March 19, 2009, the Facility was granted an alternative capacity requirement of 116 gallons total storage capacity per connection. The Facility had 437 connections in the Holiday Village Pressure Plane requiring a total storage capacity of 50,692 gallons. However, only 31,707 gallons of total storage capacity were provided, indicating a 37% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

3. Failed to provide the minimum service pump capacity. Specifically, in a letter dated March 19, 2009, the Facility was granted an alternative capacity requirement of 1.16 gallons per minute (“gpm”) per connection for the service pump capacity. The Facility had 828 connections in the Lake Medina Shores Pressure Plane requiring a service pump capacity of 960.48 gpm. However, only 600 gpm of service pump capacity were provided, indicating a 38% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

4. Failed to provide the minimum service pump capacity. Specifically, in a letter dated March 19, 2009, the Facility was granted an alternative capacity requirement of 1.16 gpm per connection for the service pump capacity. The Facility had 437 connections in the Holiday Village Pressure Plane requiring a service pump capacity of 506.92 gpm. However, only 200 gpm of service pump capacity were provided, indicating a 61% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

5. Failed to provide the minimum pressure tank capacity. Specifically, in a letter dated March 19, 2009, the Facility was granted an alternative capacity requirement of 11.6 gallons per connection for pressure tank capacity. The Facility had 828 connections in the Lake Medina Shores Pressure Plane requiring a pressure tank capacity of 9,604.8 gallons. However, only 8,643 gallons of pressure tank capacity were provided, indicating a 10% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

6. Failed to provide a written planning report for a utility possessing a Certificate of Convenience and Necessity that has reached or exceeded 85% of all or part of its capacity. Specifically, a written planning report was not submitted within 90 days of the letter dated July 12, 2018, that requested the submittal of the planning report as the Facility had reached 85.2% of its production capacity [30 TEX. ADMIN. CODE § 291.93(3)(A) and TEX. WATER CODE § 13.139(d)].

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Docket No. 2023-1258-MLM-E

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 90 days, submit an administratively and technically complete report addressing the 85% capacity planning requirement.
- b. Within 105 days, submit written certification to demonstrate compliance with a.
- c. Within 180 days:
 - i. Provide a total storage capacity of at least 116 gallons per connection for the Lake Medina Shores Pressure Plane;
 - ii. Provide a total storage capacity of at least 116 gallons per connection for the Holiday Village Pressure Plane;
 - iii. Provide a service pump capacity of at least 1.16 gpm per connection for the Lake Medina Pressure Plane;
 - iv. Provide a service pump capacity of at least 1.16 gpm per connection for the Holiday Village Pressure Plane; and
 - v. Provide a pressure tank capacity of at least 11.6 gallons per connection for the Lake Medina Shores Pressure Plane.
- d. Within 195 days, submit written certification to demonstrate compliance with c.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Rachel Frey, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-4330; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Jeffrey L. McIntyre, President, Texas Water Utilities, L.P., 2150 Town Square Place, Suite 400, Sugar Land, Texas 77479

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	5-Sep-2023	Screening	12-Sep-2023	EPA Due	
	PCW	15-Sep-2023				

RESPONDENT/FACILITY INFORMATION

Respondent	Texas Water Utilities, L.P. (PCW No. 1 of 2)				
Reg. Ent. Ref. No.	RN101251403				
Facility/Site Region	13-San Antonio	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	64741	No. of Violations	5
Docket No.	2023-1258-MLM-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media	Public Water Utilities	Enf. Coordinator	Miles Caston
		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	\$18,700
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes: No adjustment for compliance history.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$12,272
Estimated Cost of Compliance	\$63,796

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$18,700
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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	\$18,700
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$18,700
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DEFERRAL	20.0%	Reduction	Adjustment	-\$3,740
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$14,960
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Screening Date	12-Sep-2023	Docket No.	2023-1258-MLM-E	PCW
Respondent	Texas Water Utilities, L.P. (PCW No. 1 of 2)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	64741			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101251403			
Media	Public Water Supply			
Enf. Coordinator	Miles Caston			

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	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>)	0	0%
	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>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for compliance history.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date	12-Sep-2023	Docket No. 2023-1258-MLM-E	PCW
Respondent	Texas Water Utilities, L.P. (PCW No. 1 of 2)		Policy Revision 5 (January 28, 2021)
Case ID No.	64741		PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN101251403		
Media	Public Water Supply		
Enf. Coordinator	Miles Caston		
Violation Number	1		
Rule Cite(s)	30 Tex. Admin. Code § 290.45(b)(1)(D)(ii) and Tex. Health & Safety Code § 341.0315(c)		
Violation Description	<p>Failed to provide the minimum total storage capacity. Specifically, in a letter dated March 19, 2009, the Facility was granted an alternative capacity requirement of 116 gallons total storage capacity per connection. The Facility had 828 connections in the Lake Medina Shores Pressure Plane requiring a total storage capacity of 96,048 gallons. However, only 90,942 gallons of total storage capacity were provided, indicating a 5% deficiency.</p>		
Base Penalty			\$5,000
>> Environmental, Property and Human Health Matrix			
OR	Release	Harm	
		Major Moderate Minor	
	Actual		
Potential		x	
>> Programmatic Matrix			
	Falsification	Major Moderate Minor	
			Percent 0.0%
Matrix Notes	Failure to provide adequate storage capacity could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.		
Adjustment			\$4,650
			\$350
Violation Events			
Number of Violation Events		1	251 Number of violation days
	daily		Violation Base Penalty \$350
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
One single event is recommended.			
Good Faith Efforts to Comply		0.0%	Reduction \$0
	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary		
	Ordinary		
	N/A	x	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal			\$350
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	\$2,112	Violation Final Penalty Total	\$350
This violation Final Assessed Penalty (adjusted for limits)			\$350

Economic Benefit Worksheet

Respondent Texas Water Utilities, L.P. (PCW No. 1 of 2)
Case ID No. 64741
Reg. Ent. Reference No. RN101251403
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$10,978	4-Jan-2023	3-Oct-2025	2.75	\$101	\$2,011	\$2,112
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide a total storage capacity of at least 116 gallons per connection (\$2.15 x 5,106 gallons), calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,978

TOTAL

\$2,112

Screening Date 12-Sep-2023 Respondent Texas Water Utilities, L.P. (PCW No. 1 of 2) Case ID No. 64741 Reg. Ent. Reference No. RN101251403 Media Public Water Supply Enf. Coordinator Miles Caston	Docket No. 2023-1258-MLM-E Base Penalty \$5,000	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	2	Rule Cite(s)	
		30 Tex. Admin. Code § 290.45(b)(1)(D)(ii) and Tex. Health & Safety Code § 341.0315(c)	
Violation Description	Failed to provide the minimum total storage capacity. Specifically, in a letter dated March 19, 2009, the Facility was granted an alternative capacity requirement of 116 gallons total storage capacity per connection. The Facility had 437 connections in the Holiday Village Pressure Plane requiring a total storage capacity of 50,692 gallons. However, only 31,707 gallons of total storage capacity were provided, indicating a 37% deficiency.		

Base Penalty				\$5,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential		x		Percent 15.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Failure to provide adequate storage capacity could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.
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Adjustment	\$4,250
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	\$750
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Violation Events

Number of Violation Events	3	251	Number of violation days
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	daily	weekly	monthly	quarterly	semiannual	annual	single event	
				x				Violation Base Penalty \$2,250

Three quarterly events are recommended, calculated from the January 4, 2023 investigation date to the September 12, 2023 screening date.
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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	\$2,250
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Economic Benefit (EB) for this violation

Estimated EB Amount	Statutory Limit Test
\$7,852	Violation Final Penalty Total \$2,250
This violation Final Assessed Penalty (adjusted for limits) \$2,250	

Economic Benefit Worksheet

Respondent Texas Water Utilities, L.P. (PCW No. 1 of 2)
Case ID No. 64741
Reg. Ent. Reference No. RN101251403
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$40,818	4-Jan-2023	3-Oct-2025	2.75	\$374	\$7,478	\$7,852
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide a total storage capacity of at least 116 gallons per connection (\$2.15 x 18,985 gallons), calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$40,818

TOTAL

\$7,852

Screening Date	12-Sep-2023	Docket No.	2023-1258-MLM-E	PCW
Respondent	Texas Water Utilities, L.P. (PCW No. 1 of 2)			
Case ID No.	64741	<i>Policy Revision 5 (January 28, 2021)</i>		
Reg. Ent. Reference No.	RN101251403	<i>PCW Revision February 11, 2021</i>		
Media	Public Water Supply			
Enf. Coordinator	Miles Caston			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code § 290.45(b)(1)(D)(iii) and Tex. Health & Safety Code § 341.0315(c)			
Violation Description	<p>Failed to provide the minimum service pump capacity. Specifically, in a letter dated March 19, 2009, the Facility was granted an alternative capacity requirement of 1.16 gallons per minute ("gpm") per connection for the service pump capacity. The Facility had 828 connections in the Lake Medina Shores Pressure Plane requiring a service pump capacity of 960.48 gpm. However, only 600 gpm of service pump capacity were provided, indicating a 38% deficiency.</p>			
Base Penalty				\$5,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual				Percent 15.0%
	Potential		x		

>> Programmatic Matrix

Matrix Notes	Falsification				
	Major	Moderate	Minor		
				Percent 0.0%	
<p>Failure to provide the minimum service pump capacity could result in water outages and low pressure problems, exposing person served by the Facility to a significant amount of contaminants that would not exceed levels protective of human health.</p>					
Adjustment					\$4,250

\$750

Violation Events

Number of Violation Events	3	Number of violation days	251														
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td style="text-align: center;">x</td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		weekly		monthly		quarterly	x	semiannual		annual		single event			
daily																	
weekly																	
monthly																	
quarterly	x																
semiannual																	
annual																	
single event																	
Violation Base Penalty			\$2,250														
<p>Three quarterly events are recommended, calculated from the January 4, 2023 investigation date to the September 12, 2023 screening date.</p>																	

Good Faith Efforts to Comply

0.0%		Reduction	\$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary			
N/A	x		
Notes	<p>The Respondent does not meet the good faith criteria for this violation.</p>		
Violation Subtotal			\$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test	
Estimated EB Amount	\$962
Violation Final Penalty Total	\$2,250
This violation Final Assessed Penalty (adjusted for limits)	\$2,250

Economic Benefit Worksheet

Respondent Texas Water Utilities, L.P. (PCW No. 1 of 2)
Case ID No. 64741
Reg. Ent. Reference No. RN101251403
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$5,000	4-Jan-2023	3-Oct-2025	2.75	\$46	\$916	\$962
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide a service pump capacity of at least 1.16 gpm per connection, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$962

Screening Date 12-Sep-2023 Respondent Texas Water Utilities, L.P. (PCW No. 1 of 2) Case ID No. 64741 Reg. Ent. Reference No. RN101251403 Media Public Water Supply Enf. Coordinator Miles Caston	Docket No. 2023-1258-MLM-E PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>																				
Violation Number 4																					
Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(D)(iii) and Tex. Health & Safety Code § 341.0315(c)																					
Violation Description <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Failed to provide the minimum service pump capacity. Specifically, in a letter dated March 19, 2009, the Facility was granted an alternative capacity requirement of 1.16 gpm per connection for the service pump capacity. The Facility had 437 connections in the Holiday Village Pressure Plane requiring a service pump capacity of 506.92 gpm. However, only 200 gpm of service pump capacity were provided, indicating a 61% deficiency. </div>																					
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>> Environmental, Property and Human Health Matrix																					
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		Harm																			
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Adjustment \$3,500																					
\$1,500																					
Violation Events																					
Number of Violation Events 9 251 Number of violation days																					
<table border="1" style="margin-top: 10px;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td style="text-align: center;">x</td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		weekly		monthly	x	quarterly		semiannual		annual		single event		Violation Base Penalty \$13,500						
daily																					
weekly																					
monthly	x																				
quarterly																					
semiannual																					
annual																					
single event																					
Nine monthly events are recommended, calculated from the January 4, 2023 investigation date to the September 12, 2023 screening date.																					
Good Faith Efforts to Comply																					
0.0% Reduction \$0																					
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th></th> <th>Before NOE/NOV</th> <th>NOE/NOV to EDPRP/Settlement Offer</th> </tr> <tr> <td>Extraordinary</td> <td></td> <td></td> </tr> <tr> <td>Ordinary</td> <td></td> <td></td> </tr> <tr> <td>N/A</td> <td style="text-align: center;">x</td> <td></td> </tr> </table>			Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Extraordinary			Ordinary			N/A	x									
	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 \$13,500																					
Economic Benefit (EB) for this violation																					
Statutory Limit Test																					
Estimated EB Amount \$962	Violation Final Penalty Total \$13,500																				
This violation Final Assessed Penalty (adjusted for limits) \$13,500																					

Economic Benefit Worksheet

Respondent Texas Water Utilities, L.P. (PCW No. 1 of 2)
Case ID No. 64741
Reg. Ent. Reference No. RN101251403
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$5,000	4-Jan-2023	3-Oct-2025	2.75	\$46	\$916	\$962
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide a service pump capacity of at least 1.16 gpm per connection, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$962

Screening Date	12-Sep-2023	Docket No.	2023-1258-MLM-E	PCW
Respondent	Texas Water Utilities, L.P. (PCW No. 1 of 2)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	64741			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101251403			
Media	Public Water Supply			
Enf. Coordinator	Miles Caston			
Violation Number	5			
Rule Cite(s)	30 Tex. Admin. Code § 290.45(b)(1)(D)(iv) and Tex. Health & Safety Code § 341.0315(c)			
Violation Description	Failed to provide the minimum pressure tank capacity. Specifically, in a letter dated March 19, 2009, the Facility was granted an alternative capacity requirement of 11.6 gallons per connection for pressure tank capacity. The Facility had 828 connections in the Lake Medina Shores Pressure Plane requiring a pressure tank capacity of 9,604.8 gallons. However, only 8,643 gallons of pressure tank capacity were provided, indicating a 10% deficiency.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential			x	Percent 7.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes
 Failure to provide adequate pressure tank capacity could result in low pressure throughout the distribution system, exposing person served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,650

\$350

Violation Events

Number of Violation Events	1	251	Number of violation days
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	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		Violation Base Penalty \$350

One single event is recommended.

Good Faith Efforts to Comply

	0.0%		
	Before NOE/NOV	NOE/NOV to EDP RP/Settlement Offer	
Extraordinary			
Ordinary			
N/A	x		
Notes	The Respondent does not meet the good faith criteria for this violation.		

Violation Subtotal \$350

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$384	Violation Final Penalty Total \$350
This violation Final Assessed Penalty (adjusted for limits) \$350	

Economic Benefit Worksheet

Respondent Texas Water Utilities, L.P. (PCW No. 1 of 2)
Case ID No. 64741
Reg. Ent. Reference No. RN101251403
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$2,000	4-Jan-2023	3-Oct-2025	2.75	\$18	\$366	\$384
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to provide a pressure tank capacity of at least 11.6 gallons per connection, calculated from the investigation date to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$384



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	5-Sep-2023	Screening	12-Sep-2023	EPA Due	
	PCW	15-Sep-2023				

RESPONDENT/FACILITY INFORMATION

Respondent	Texas Water Utilities, L.P. (PCW No. 2 of 2)				
Reg. Ent. Ref. No.	RN101251403				
Facility/Site Region	13-San Antonio		Major/Minor Source	Major	

CASE INFORMATION

Enf./Case ID No.	64741	No. of Violations	1
Docket No.	2023-1258-MLM-E	Order Type	1660
Media Program(s)	Public Water Utilities	Government/Non-Profit	No
Multi-Media	Public Water Supply	Enf. Coordinator	Miles Caston
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$5,000

Penalty Calculation Section

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

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

Compliance History	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes: No adjustment for compliance history.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$188
Estimated Cost of Compliance: \$1,500
*Capped at the Total EB \$ Amount

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

Notes:

Final Penalty Amount	\$1,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,000
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DEFERRAL	20.0%	Reduction	Adjustment	-\$200
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$800
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Screening Date	12-Sep-2023	Docket No.	2023-1258-MLM-E	PCW
Respondent	Texas Water Utilities, L.P. (PCW No. 2 of 2)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	64741			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101251403			
Media	Public Water Utilities			
Enf. Coordinator	Miles Caston			

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	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>)	0	0%
	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>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for compliance history.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date	12-Sep-2023	Docket No.	2023-1258-MLM-E	PCW
Respondent	Texas Water Utilities, L.P. (PCW No. 2 of 2)			Policy Revision 5 (January 28, 2021)
Case ID No.	64741			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN101251403			
Media	Public Water Utilities			
Enf. Coordinator	Miles Caston			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 291.93(3)(A) and Tex. Water Code § 13.139(d)			
Violation Description	Failed to provide a written planning report for a utility possessing a Certificate of Convenience and Necessity that has reached or exceeded 85% of all or part of its capacity. Specifically, a written planning report was not submitted within 90 days of the letter dated July 12, 2018, that requested the submittal of the planning report as the Facility had reached 85.2% of its production capacity.			
Base Penalty			\$5,000	

>> Environmental, Property and Human Health Matrix

OR		Release	Harm		
			Major Moderate Minor		
	Actual				Percent 0.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 20.0%
Matrix Notes	100% of the rule requirements were not met.				
Adjustment					\$4,000

\$1,000

Violation Events

Number of Violation Events	1	251	Number of violation days
	daily		Violation Base Penalty \$1,000
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
One single event is recommended.			

Good Faith Efforts to Comply

	0.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Reduction \$0
Extraordinary			
Ordinary			
N/A	x		
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal			\$1,000

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$188
Violation Final Penalty Total	\$1,000
This violation Final Assessed Penalty (adjusted for limits)	
\$1,000	

Economic Benefit Worksheet

Respondent Texas Water Utilities, L.P. (PCW No. 2 of 2)
Case ID No. 64741
Reg. Ent. Reference No. RN101251403
Media Public Water Utilities
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	4-Jan-2023	5-Jul-2025	2.50	\$188	n/a	\$188

Notes for DELAYED costs

The delayed cost includes the estimated amount to submit an administratively and technically complete report addressing the 85% capacity planning requirement, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$188



Compliance History Report

Compliance History Report for CN602740706, RN101251403, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN602740706, Texas Water Utilities, L.P. **Classification:** SATISFACTORY **Rating:** 2.81

Regulated Entity: RN101251403, LAKE MEDINA SHORES **Classification:** NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: 306 FRONTIER DRIVE IN BANDERA, BANDERA COUNTY, TEXAS

TCEQ Region: REGION 13 - SAN ANTONIO

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
0100037

Compliance History Period: September 01, 2019 to August 31, 2024 **Rating Year:** 2024 **Rating Date:** 09/01/2024

Date Compliance History Report Prepared: September 23, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 23, 2019 to September 23, 2024

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Miles Caston **Phone:** (512) 239-4593

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 March 02, 2020 (1623909)

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.
N/A

F. Environmental audits:
N/A

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
TEXAS WATER UTILITIES, L.P.
RN101251403

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

AGREED ORDER DOCKET NO. 2023-1258-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 Texas Water Utilities, L.P. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch 13. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a public water supply located at 306 Frontier Drive in Bandera, Bandera County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 1,344 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). The Facility involves or involved equipment or facilities for the transmission, storage, distribution, sale or provision of potable water to the public or for the resale of potable water to the public for any use. Therefore, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 13 and TEX. HEALTH & SAFETY CODE ch. 341.
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 13.4151 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 13.4151 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch 13 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 \$19,700 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$15,760 of the penalty and \$3,940 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 January 4, 2023, through May 24, 2023, an investigator documented that the Respondent:

1. Failed to provide the minimum total storage capacity, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, in a letter dated March 19, 2009, the Facility was granted an alternative capacity requirement of 116 gallons total storage capacity per connection. The Facility had 828 connections in the Lake Medina Shores Pressure Plane requiring a total storage capacity of 96,048 gallons. However, only 90,942 gallons of total storage capacity were provided, indicating a 5% deficiency.
2. Failed to provide the minimum total storage capacity, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, in a letter dated March 19, 2009, the Facility was granted an alternative capacity requirement of 116 gallons total storage capacity per connection. The Facility had 437 connections in the Holiday Village Pressure Plane requiring a total storage capacity of 50,692 gallons. However, only 31,707 gallons of total storage capacity were provided, indicating a 37% deficiency.
3. Failed to provide the minimum service pump capacity, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, in a letter dated March 19, 2009, the Facility was granted an alternative capacity requirement of 1.16 gallons per minute ("gpm") per connection for the service pump capacity. The Facility had 828 connections in the Lake Medina Shores Pressure Plane requiring a service pump capacity of 960.48 gpm. However, only 600 gpm of service pump capacity were provided, indicating a 38% deficiency.
4. Failed to provide the minimum service pump capacity, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, in a letter dated March 19, 2009, the Facility was granted an alternative capacity requirement of 1.16 gpm per connection for the service pump capacity. The Facility had 437

connections in the Holiday Village Pressure Plane requiring a service pump capacity of 506.92 gpm. However, only 200 gpm of service pump capacity were provided, indicating a 61% deficiency.

5. Failed to provide the minimum pressure tank capacity, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, in a letter dated March 19, 2009, the Facility was granted an alternative capacity requirement of 11.6 gallons per connection for pressure tank capacity. The Facility had 828 connections in the Lake Medina Shores Pressure Plane requiring a pressure tank capacity of 9,604.8 gallons. However, only 8,643 gallons of pressure tank capacity were provided, indicating a 10% deficiency.
6. Failed to provide a written planning report for a utility possessing a Certificate of Convenience and Necessity that has reached or exceeded 85% of all or part of its capacity, in violation of 30 TEX. ADMIN. CODE § 291.93(3)(A) and TEX. WATER CODE § 13.139(d). Specifically, a written planning report was not submitted within 90 days of the letter dated July 12, 2018, that requested the submittal of the planning report as the Facility had reached 85.2% of its production capacity.

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: Texas Water Utilities, L.P., Docket No. 2023-1258-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 90 days after the effective date of this Order, submit an administratively and technically complete report addressing the 85% capacity planning requirement, in accordance with 30 TEX. ADMIN. CODE § 291.93. The report shall be submitted to:

Plan and Technical Review Section
Water Supply Division, MC 159
Texas Commission on Environmental Quality
P.O. Box 13087

Austin, Texas 78711

- b. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.d below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
- c. Within 180 days after the effective date of this Order:
 - i. Provide a total storage capacity of at least 116 gallons per connection for the Lake Medina Shores Pressure Plane, in accordance with 30 TEX. ADMIN. CODE § 290.45;
 - ii. Provide a total storage capacity of at least 116 gallons per connection for the Holiday Village Pressure Plane, in accordance with 30 TEX. ADMIN. CODE § 290.45;
 - iii. Provide a service pump capacity of at least 1.16 gpm per connection for the Lake Medina Pressure Plane, in accordance with 30 TEX. ADMIN. CODE § 290.45;
 - iv. Provide a service pump capacity of at least 1.16 gpm per connection for the Holiday Village Pressure Plane, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - v. Provide a pressure tank capacity of at least 11.6 gallons per connection for the Lake Medina Shores Pressure Plane, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- d. 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.c.i through 2.c.v. 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
San Antonio Regional Office
Texas Commission on Environmental Quality
14250 Judson Road
San Antonio, Texas 78233-4480

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. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

For the Executive Director

3/10/2025

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Date

Name (Printed or typed)
Authorized Representative of
Texas Water Utilities, L.P.

Title

☒ If mailing address has changed, please check this box and provide the new address below:

2150 Town Square Place
Suite 400
Sugar Land, TX 77479

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.