

Executive Summary – Enforcement Matter – Case No. 66054
CSWR-Texas Utility Operating Company, LLC
RN101198331
Docket No. 2024-0960-PWS-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

Aero Valley Water Service, 5281 Kelly Drive, Roanoke, Denton County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 21, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$14,550

Amount Deferred for Expedited Settlement: \$2,910

Total Paid to General Revenue: \$11,640

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: February 26, 2024

Date(s) of NOE(s): May 17, 2024

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RN101198331
Docket No. 2024-0960-PWS-E

Violation Information

1. Failed to provide a pressure tank capacity of 20 gallons per connection. Specifically, the Facility had 34 connections requiring a pressure tank capacity of 680 gallons. However, only 120 gallons of pressure tank capacity were provided, indicating an 82% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
2. Failed to provide a total storage capacity of 200 gallons per connection. Specifically, the Facility had 34 connections requiring a total storage capacity of 6,800 gallons. However, only 5,000 gallons of total storage capacity were provided, indicating an 26% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
3. Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, the Facility had 34 connections requiring a well capacity of 20.4 gpm. However, only 18 gpm of well capacity was provided, indicating a 12% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
4. Failed to ensure that all potable water storage facilities are covered and designed, fabricated, erected, tested, and disinfected in strict accordance with current American Water Works Association ("AWWA") standards. Specifically, the Facility's ground storage tank ("GST") was made of black polyethylene material that did not meet AWWA standards [30 TEX. ADMIN. CODE § 290.43(c)].
5. Failed to install water transmission and distribution lines below the frost line and in no case less than 24 inches below the ground surface. Specifically, there was an unburied water line that ran through a dry creek bed at the Facility [30 TEX. ADMIN. CODE § 290.44(a)(4)].
6. Failed to ensure that all newly installed pipes and related products conform to the American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 61 and are certified by an organization accredited by ANSI. Specifically, the unburied waterline was constructed of a material that did not conform with ANSI/NSF Standard 61 [30 TEX. ADMIN. CODE § 290.44(a)(1)].
7. Failed to obtain a sanitary control easement covering land within 150 feet of the Facility's well [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].
8. Failed to inspect the Facility's two pressure tanks annually [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].
9. Failed to provide the GST with a liquid level indicator [30 TEX. ADMIN. CODE § 290.43(c)(4)].

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Docket No. 2024-0960-PWS-E

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On February 28, 2024, the Respondent submitted copies of the exterior pressure tank inspection forms for both pressure tanks at the Facility.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 60 days:
 - i. Replace or upgrade the Facility's storage tank to meet the current AWWA standards; and
 - ii. Provide the GST with a liquid level indicator.
- b. Within 75 days, submit written certification to demonstrate compliance with a.
- c. Within 90 days:
 - i. Ensure that all waterlines and distribution lines are located below the frost line and no case less than 24 inches below the ground surface;
 - ii. Ensure that all pipes and related products conform to the ANSI/NSF Standard 61, including but not limited to the unburied waterline that ran through the creek at the Facility; and
 - iii. Obtain a sanitary control easement that covers the land within 150 feet of the Facility's well or obtain Commission approval of an exception to the easement requirement.
- d. Within 105 days, submit written certification to demonstrate compliance with c.
- e. Within 180 days:
 - i. Provide a pressure tank capacity of at least 20 gallons per connection;
 - ii. Provide a total storage capacity of at least 200 gallons per connection; and
 - iii. Provide a well capacity of at least 0.6 gpm per connection.
- f. Within 195 days, submit written certification to demonstrate compliance with e.

Executive Summary – Enforcement Matter – Case No. 66054
CSWR-Texas Utility Operating Company, LLC
RN101198331
Docket No. 2024-0960-PWS-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Emerson Rinewalt, Enforcement Division,
Enforcement Team 5, MC 219, (512) 239-1131; Michael Parrish, Enforcement Division,
MC 219, (512) 239-2548

Respondent: Josiah Cox, President, CSWR-Texas Utility Operating Company, LLC, 1600
Des Peres Road, 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	20-May-2024	Screening	21-May-2024	EPA Due	
	PCW	14-Jun-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	CSWR-Texas Utility Operating Company, LLC				
Reg. Ent. Ref. No.	RN101198331				
Facility/Site Region	4-Dallas/Fort Worth		Major/Minor Source	Major	

CASE INFORMATION

Enf./Case ID No.	66054	No. of Violations	9
Docket No.	2024-0960-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Emerson Rinewalt
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$15,300
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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: Since the reduction for one notice of intent to conduct an audit and one disclosure of violations is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero.

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	-\$750
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$2,458
Estimated Cost of Compliance	\$22,677

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$14,550
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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	\$14,550
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$14,550
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DEFERRAL	20.0%	Reduction	Adjustment	-\$2,910
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$11,640
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Screening Date	21-May-2024	Docket No.	2024-0960-PWS-E	PCW
Respondent	CSWR-Texas Utility Operating Company, LLC			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	66054			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101198331			
Media	Public Water Supply			
Enf. Coordinator	Emerson Rinewalt			

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>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

N/A	Adjustment Percentage (Subtotal 3)	0%
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>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer	Adjustment Percentage (Subtotal 7)	0%
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>> Compliance History Summary

Compliance History Notes	Since the reduction for one notice of intent to conduct an audit and one disclosure of violations is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero.
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Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 21-May-2024		Docket No. 2024-0960-PWS-E		PCW	
Respondent CSWR-Texas Utility Operating Company, LLC		Policy Revision 5 (January 28, 2021)			
Case ID No. 66054		PCW Revision February 11, 2021			
Reg. Ent. Reference No. RN101198331					
Media Public Water Supply					
Enf. Coordinator Emerson Rinewalt					
Violation Number 1					
Rule Cite(s)		30 Tex. Admin. Code § 290.45(b)(1)(B)(iv) and Tex. Health & Safety Code § 341.0315(c)			
Violation Description		Failed to provide a pressure tank capacity of 20 gallons per connection. Specifically, the Facility had 34 connections requiring a pressure tank capacity of 680 gallons. However, only 120 gallons of pressure tank capacity were provided, indicating an 82% deficiency.			
Base Penalty				\$5,000	
>> Environmental, Property and Human Health Matrix					
OR	Release		Harm		
	Major	Moderate	Minor		
	Actual				
	Potential	x		Percent	30.0%
>>Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes		Failure to provide adequate pressure tank capacity could expose persons served by the Facility to contaminants which would exceed levels protective of human health.			
Adjustment				\$3,500	
				\$1,500	
>> Violation Events					
Number of Violation Events		3		85 Number of violation days	
	daily				
	weekly				
	monthly	x			
	quarterly				
	semiannual				
	annual				
	single event				
Violation Base Penalty				\$4,500	
		Three monthly events are recommended, calculated from the February 26, 2024 investigation date to the May 21, 2024 screening date.			
Good Faith Efforts to Comply		0.0%		Reduction \$0	
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer			
	Extraordinary				
	Ordinary				
	N/A	x			
Notes		The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				\$4,500	
>> Economic Benefit (EB) for this violation					
>> Statutory Limit Test					
Estimated EB Amount		\$604		Violation Final Penalty Total \$4,500	
This violation Final Assessed Penalty (adjusted for limits)				\$4,500	

Economic Benefit Worksheet

Respondent CSWR-Texas Utility Operating Company, LLC
Case ID No. 66054
Reg. Ent. Reference No. RN101198331
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	\$5,000	26-Feb-2024	17-Nov-2025	1.73	\$29	\$575	\$604
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 pressure tank capacity of at least 20 gallons per connection, calculated from the date of the investigation to the estimated date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance	\$5,000	TOTAL	\$604
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Screening Date 21-May-2024 Respondent CSWR-Texas Utility Operating Company, LLC Case ID No. 66054 Reg. Ent. Reference No. RN101198331 Media Public Water Supply Enf. Coordinator Emerson Rinewalt	Docket No. 2024-0960-PWS-E	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)(B)(ii) and Tex. Health & Safety Code § 341.0315(c)
Violation Description	Failed to provide a total storage capacity of 200 gallons per connection. Specifically, the Facility had 34 connections requiring a total storage capacity of 6,800 gallons. However, only 5,000 gallons of total storage capacity were provided, indicating an 26% 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 total storage capacity could result in water outages and low pressure problems, exposing 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	1	85	Number of violation days
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	daily		Violation Base Penalty \$750
	weekly		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		

One quarterly event is recommended, calculated from the February 26, 2024 investigation date to the May 21, 2024 screening date.
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Good Faith Efforts to Comply

0.0%	Reduction \$0
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	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer	
Extraordinary			
Ordinary			
N/A	x		

Notes	The Respondent does not meet the good faith criteria for this violation.
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Violation Subtotal	\$750
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$467
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Statutory Limit Test

Violation Final Penalty Total	\$750
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This violation Final Assessed Penalty (adjusted for limits)	\$750
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Economic Benefit Worksheet

Respondent CSWR-Texas Utility Operating Company, LLC
Case ID No. 66054
Reg. Ent. Reference No. RN101198331
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)	\$3,870	26-Feb-2024	17-Nov-2025	1.73	\$22	\$445	\$467
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
The delayed cost includes the estimated amount to provide a total storage capacity of at least 200 gallons per connection (\$2.15 per gallon x 1,800 gallons), calculated from the date of the investigation to the estimated date of compliance.							
Notes for DELAYED costs							

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 \$3,870

TOTAL \$467

Screening Date 21-May-2024	Docket No. 2024-0960-PWS-E	PCW
Respondent CSWR-Texas Utility Operating Company, LLC	<i>Policy Revision 5 (January 28, 2021)</i>	
Case ID No. 66054	<i>PCW Revision February 11, 2021</i>	
Reg. Ent. Reference No. RN101198331		
Media Public Water Supply		
Enf. Coordinator Emerson Rinewalt		
Violation Number	3	
Rule Cite(s)	30 Tex. Admin. Code § 290.45(b)(1)(B)(i) and Tex. Health & Safety Code § 341.0315(c)	
Violation Description	Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, the Facility had 34 connections requiring a well capacity of 20.4 gpm. However, only 18 gpm of well capacity was provided, indicating a 12% deficiency.	
Base Penalty		\$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes

Failure to provide adequate well capacity could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events	1		85	Number of violation days
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	daily				Violation Base Penalty \$750
	weekly				
	monthly				
	quarterly	x			
	semiannual				
	annual				
	single event				

One quarterly event is recommended, calculated from the February 26, 2024 investigation date to the May 21, 2024 screening date.

Good Faith Efforts to Comply

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

Violation Subtotal \$750

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$604
Violation Final Penalty Total	\$750
This violation Final Assessed Penalty (adjusted for limits)	\$750

Economic Benefit Worksheet

Respondent CSWR-Texas Utility Operating Company, LLC
Case ID No. 66054
Reg. Ent. Reference No. RN101198331
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)	\$5,000	26-Feb-2024	17-Nov-2025	1.73	\$29	\$575	\$604
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	The delayed cost includes the estimated amount to provide a well capacity of at least 0.6 gpm 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	\$5,000	TOTAL	\$604
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Screening Date 21-May-2024 Respondent CSWR-Texas Utility Operating Company, LLC Case ID No. 66054 Reg. Ent. Reference No. RN101198331 Media Public Water Supply Enf. Coordinator Emerson Rinewalt	Docket No. 2024-0960-PWS-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	4	
Rule Cite(s)		30 Tex. Admin. Code § 290.43(c)
Violation Description	Failed to ensure that all potable water storage facilities are covered and designed, fabricated, erected, tested, and disinfected in strict accordance with current American Water Works Association ("AWWA") standards. Specifically, the Facility's ground storage tank ("GST") was made of black polyethylene material that did not meet AWWA standards.	

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

Matrix Notes		Falsification	Major	Moderate	Minor	
						Percent 0.0%
	Failure to ensure that the potable water storage tank is properly constructed could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.					

Adjustment	\$4,250
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	\$750
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Violation Events

Number of Violation Events	1	85	Number of violation days
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	daily					
	weekly					
	monthly					
	quarterly	x				Violation Base Penalty \$750
	semiannual					
	annual					
	single event					

One quarterly event is recommended, calculated from the February 26, 2024 investigation date to the May 21, 2024 screening date.	
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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	\$750
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Economic Benefit (EB) for this violation

		Statutory Limit Test
Estimated EB Amount	\$489	Violation Final Penalty Total \$750
This violation Final Assessed Penalty (adjusted for limits)		\$750

Economic Benefit Worksheet

Respondent CSWR-Texas Utility Operating Company, LLC
Case ID No. 66054
Reg. Ent. Reference No. RN101198331
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	\$5,000	26-Feb-2024	20-Jul-2025	1.40	\$23	\$466	\$489
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 costs include the estimated amount to replace or upgrade the Facility's storage tank to meet current AWWA standards, 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

\$489

Screening Date 21-May-2024 Respondent CSWR-Texas Utility Operating Company, LLC Case ID No. 66054 Reg. Ent. Reference No. RN101198331 Media Public Water Supply Enf. Coordinator Emerson Rinewalt	Docket No. 2024-0960-PWS-E Violation Number 5	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Rule Cite(s)	30 Tex. Admin. Code § 290.44(a)(4)
Violation Description	Failed to install water transmission and distribution lines below the frost line and in no case less than 24 inches below the ground surface. Specifically, there was an unburied water line that ran though a dry creek bed at the Facility.

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

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 30.0%
	Potential	x			

>> Programmatic Matrix

OR		Falsification	Major	Moderate	Minor	
						Percent 0.0%
	Matrix Notes	Failure to locate the water distribution lines below the frost line could result in its damage and introduction of contaminants to the finished water which would exceed levels protective of human health				

Adjustment	\$3,500
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Adjustment	\$1,500
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Violation Events

Number of Violation Events	3		85	Number of violation days
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	daily		Violation Base Penalty \$4,500
	weekly		
	monthly	x	
	quarterly		
	semiannual		
	annual		
	single event		

Three monthly events are recommended, calculated from the February 26, 2024 investigation date to the May 21, 2024 screening date.
--

Good Faith Efforts to Comply

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

Violation Subtotal	\$4,500
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$222	Statutory Limit Test
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Violation Final Penalty Total	\$4,500
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This violation Final Assessed Penalty (adjusted for limits)	\$4,500
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Economic Benefit Worksheet

Respondent CSWR-Texas Utility Operating Company, LLC
Case ID No. 66054
Reg. Ent. Reference No. RN101198331
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				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)	\$3,000	26-Feb-2024	19-Aug-2025	1.48	\$222	n/a	\$222
Notes for DELAYED costs The delayed costs include the estimated amount to relocate distribution water lines to no less than 24 inches below the ground surface, 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	\$3,000	TOTAL	\$222
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Screening Date 21-May-2024	Docket No. 2024-0960-PWS-E	PCW
Respondent CSWR-Texas Utility Operating Company, LLC	<i>Policy Revision 5 (January 28, 2021)</i>	
Case ID No. 66054	<i>PCW Revision February 11, 2021</i>	
Reg. Ent. Reference No. RN101198331		
Media Public Water Supply		
Enf. Coordinator Emerson Rinewalt		
Violation Number	6	
Rule Cite(s)	30 Tex. Admin. Code § 290.44(a)(1)	
Violation Description	Failed to ensure that all newly installed pipes and related products conform to the American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 61 and are certified by an organization accredited by ANSI. Specifically, the unburied waterline was constructed of a material that did not conform with ANSI/NSF Standard 61.	
Base Penalty		\$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes		Falsification	Major	Moderate	Minor	
						Percent 0.0%
	Failure to use approved piping that meets ANSI/NSF standards 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		85	Number of violation days	
	daily		weekly		
	monthly		quarterly		
	semiannual		annual		
	single event	x			
One single event is recommended.					
Violation Base Penalty					\$350

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	\$51	
Violation Final Penalty Total	\$350	
This violation Final Assessed Penalty (adjusted for limits)		\$350

Economic Benefit Worksheet

Respondent CSWR-Texas Utility Operating Company, LLC
Case ID No. 66054
Reg. Ent. Reference No. RN101198331
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	26-Feb-2024	19-Aug-2025	1.48	\$2	\$49	\$51
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	The delayed cost includes the estimated amount to ensure that the unburied piping conforms with ANSI/NSF Standard 61, 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 \$500

TOTAL \$51

Screening Date 21-May-2024 Respondent CSWR-Texas Utility Operating Company, LLC Case ID No. 66054 Reg. Ent. Reference No. RN101198331 Media Public Water Supply Enf. Coordinator Emerson Rinewalt	Docket No. 2024-0960-PWS-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	7
Rule Cite(s)	30 Tex. Admin. Code § 290.41(c)(1)(F)
Violation Description	Failed to obtain a sanitary control easement covering land within 150 feet of the Facility's well.

Base Penalty	\$5,000
---------------------	---------

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	x	Percent <input style="width: 50px;" type="text" value="7.0%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input style="width: 50px;" type="text" value="0.0%"/>

Matrix Notes	Failure to have a sanitary control easement in place could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.
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Adjustment	\$4,650
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	\$350
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Violation Events

Number of Violation Events	<input style="width: 50px;" type="text" value="1"/>	<input style="width: 50px;" type="text" value="85"/>	Number of violation days
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	daily	<input type="text"/>		Violation Base Penalty	<input style="width: 100px;" type="text" value="\$350"/>
	weekly	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	x			

One single event is recommended.

Good Faith Efforts to Comply

	0.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	
Notes	The Respondent does not meet the good faith criteria for this violation.	

Violation Subtotal	\$350
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Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount	<input style="width: 100px;" type="text" value="\$2"/>	Violation Final Penalty Total	\$350
This violation Final Assessed Penalty (adjusted for limits)			\$350

Economic Benefit Worksheet

Respondent CSWR-Texas Utility Operating Company, LLC
Case ID No. 66054
Reg. Ent. Reference No. RN101198331
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	26-Feb-2024	19-Aug-2025	1.48	\$2	n/a	\$2
Notes for DELAYED costs The delayed cost includes the estimated amount to obtain and record a sanitary control easement for the Facility's well (\$25 per well x one well), or to obtain an exception to the 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 \$25

TOTAL \$2

Screening Date	21-May-2024	Docket No.	2024-0960-PWS-E	PCW
Respondent	CSWR-Texas Utility Operating Company, LLC			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	66054			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101198331			
Media	Public Water Supply			
Enf. Coordinator	Emerson Rinewalt			
Violation Number	8			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)(1)(B)			
Violation Description	Failed to inspect the Facility's two pressure tanks annually.			
		Base Penalty	\$5,000	
>> Environmental, Property and Human Health Matrix				
OR		Release	Harm	
		Major	Moderate	Minor
	Actual			
	Potential	x		
				Percent 30.0%
>>Programmatic Matrix				
	Falsification	Major	Moderate	Minor
				Percent 0.0%
Matrix Notes	Failure to inspect the pressure tanks could result in non-detection of defects resulting in a loss of tank integrity and could expose persons served by the Facility to contaminants which would exceed levels protective of human health.			
		Adjustment	\$3,500	
			\$1,500	
Violation Events				
	Number of Violation Events	2	2	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
		Two single events are recommended (one event for each pressure tank).		
Good Faith Efforts to Comply				
		25.0%	Reduction	\$750
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary			
	Ordinary	x		
	N/A			
	Notes	The Respondent achieved compliance on February 28, 2024.		
		Violation Subtotal	\$2,250	
Economic Benefit (EB) for this violation				
	Statutory Limit Test			
	Estimated EB Amount	\$0	Violation Final Penalty Total	\$2,250
	This violation Final Assessed Penalty (adjusted for limits)			\$2,250

Economic Benefit Worksheet

Respondent CSWR-Texas Utility Operating Company, LLC
Case ID No. 66054
Reg. Ent. Reference No. RN101198331
Media Public Water Supply
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$82	26-Feb-2024	28-Feb-2024	0.01	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to conduct annual pressure tank inspections (\$41 per tank x two tanks), calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$82

TOTAL

\$0

Screening Date 21-May-2024 Respondent CSWR-Texas Utility Operating Company, LLC Case ID No. 66054 Reg. Ent. Reference No. RN101198331 Media Public Water Supply Enf. Coordinator Emerson Rinewalt	Docket No. 2024-0960-PWS-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	9	Rule Cite(s)	
		30 Tex. Admin. Code § 290.43(c)(4)	
Violation Description	Failed to provide the GST with a liquid level indicator.		

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 a liquid level indicator may not allow the operator to make adjustments for production and usage calculations which could expose persons served by the Facility to a insignificant amount of contaminants which would not exceed levels protective of human health.
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Adjustment \$4,650

\$350

Violation Events

Number of Violation Events	1	85	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 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

Estimated EB Amount	\$20	Statutory Limit Test
		Violation Final Penalty Total \$350
		This violation Final Assessed Penalty (adjusted for limits) \$350

Economic Benefit Worksheet

Respondent CSWR-Texas Utility Operating Company, LLC
Case ID No. 66054
Reg. Ent. Reference No. RN101198331
Media Public Water Supply
Violation No. 9

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	\$200	26-Feb-2024	20-Jul-2025	1.40	\$1	\$19	\$20
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	The delayed cost includes the estimated amount to provide a liquid level indicator for the GST, calculated from the date of the investigation to the estimated date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance	\$200	TOTAL	\$20
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Compliance History Report

Compliance History Report for CN605844786, RN101198331, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator:	CN605844786, CSWR-Texas Utility Operating Company, LLC	Classification: SATISFACTORY	Rating: 3.16
Regulated Entity:	RN101198331, AERO VALLEY WATER SERVICE	Classification: NOT APPLICABLE	Rating: N/A
Complexity Points:	N/A	Repeat Violator:	N/A
CH Group:	14 - Other		
Location:	5281 KELLY DRIVE NEAR ROANOKE, DENTON COUNTY, TEXAS		
TCEQ Region:	REGION 04 - DFW METROPLEX		
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0610243			
Compliance History Period:	September 01, 2019 to August 31, 2024	Rating Year: 2024	Rating Date: 09/01/2024
Date Compliance History Report Prepared: November 05, 2024			
Agency Decision Requiring Compliance History: Enforcement			
Component Period Selected: November 05, 2019 to November 05, 2024			
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name: Emerson Rinewalt		Phone: (512) 239-1131	

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 2	June 30, 2021	(1737680)
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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:

Notice of Intent Date: 09/05/2022 (1841815)

Disclosure Date: 09/05/2022

Viol. Moderate

Classification:

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

Description: Failed to conduct customer service inspections.

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CSWR-TEXAS UTILITY OPERATING
COMPANY, LLC
RN101198331

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

AGREED ORDER DOCKET NO. 2024-0960-PWS-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding CSWR-Texas Utility Operating Company, LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. 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 5281 Kelly Drive near Roanoke, Denton County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 34 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. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE § 7.002 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 TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$14,550 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$11,640 of the penalty and \$2,910 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or

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

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that on February 28, 2024, the Respondent submitted copies of the exterior pressure tank inspection forms for both pressure tanks at the Facility.

II. ALLEGATIONS

During an investigation at the Facility conducted on February 26, 2024, an investigator documented that the Respondent:

1. Failed to provide a pressure tank capacity of 20 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Facility had 34 connections requiring a pressure tank capacity of 680 gallons. However, only 120 gallons of pressure tank capacity were provided, indicating an 82% deficiency.
2. Failed to provide a total storage capacity of 200 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Facility had 34 connections requiring a total storage capacity of 6,800 gallons. However, only 5,000 gallons of total storage capacity were provided, indicating an 26% deficiency.
3. Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Facility had 34 connections requiring a well capacity of 20.4 gpm. However, only 18 gpm of well capacity was provided, indicating a 12% deficiency.
4. Failed to ensure that all potable water storage facilities are covered and designed, fabricated, erected, tested, and disinfected in strict accordance with current American Water Works Association ("AWWA") standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c). Specifically, the Facility's ground storage tank ("GST") was made of black polyethylene material that did not meet AWWA standards.
5. Failed to install water transmission and distribution lines below the frost line and in no case less than 24 inches below the ground surface, in violation of 30 TEX. ADMIN. CODE

§ 290.44(a)(4). Specifically, there was an unburied water line that ran through a dry creek bed at the Facility.

6. Failed to ensure that all newly installed pipes and related products conform to the American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 61 and are certified by an organization accredited by ANSI, in violation of 30 TEX. ADMIN. CODE § 290.44(a)(1). Specifically, the unburied waterline was constructed of a material that did not conform with ANSI/NSF Standard 61.
7. Failed to obtain a sanitary control easement covering land within 150 feet of the Facility's well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F).
8. Failed to inspect the Facility's two pressure tanks annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B).
9. Failed to provide the GST with a liquid level indicator, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4).

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: CSWR-Texas Utility Operating Company, LLC, Docket No. 2024-0960-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 60 days after the effective date of this Order:
 - i. Replace or upgrade the Facility's storage tank to meet the current AWWA standards, in accordance with 30 TEX. ADMIN. CODE § 290.43; and
 - ii. Provide the GST with a liquid level indicator, in accordance with 30 TEX. ADMIN. CODE § 290.43.
 - b. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.f below, and include detailed supporting

documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i and 2.a.ii.

- c. Within 90 days of the effective date of this Order:
- i. Ensure that all waterlines and distribution lines are located below the frost line and no case less than 24 inches below the ground surface, in accordance with 30 TEX. ADMIN. CODE § 290.44;
 - ii. Ensure that all pipes and related products conform to the ANSI/NSF Standard 61, including but not limited to the unburied waterline that ran through the creek at the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.44; and
 - iii. Obtain a sanitary control easement that covers the land within 150 feet of the Facility's well, in accordance with 30 TEX. ADMIN. CODE § 290.41, or obtain Commission approval of an exception to the easement requirement pursuant to 30 TEX. ADMIN. CODE § 290.39(l). The exception request shall be submitted to:
- Technical Review and Oversight Team
Water Supply Division, MC 159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
- d. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.c.i through 2.c.iii.
- e. Within 180 days after the effective date of this Order:
- i. Provide a pressure tank capacity of at least 20 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45;
 - ii. Provide a total storage capacity of at least 200 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - iii. Provide a well capacity of at least 0.6 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- f. Within 195 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.e.i through 2.e.iii. 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
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

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

4/4/2025


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.



[Josiah Cox \(Jan 6, 2025 10:53 CST\)](#)
Signature

01/06/2025

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:*