

**Executive Summary – Enforcement Matter – Case No. 66837**  
**CSWR-Texas Utility Operating Company, LLC**  
**RN102678885**  
**Docket No. 2024-1626-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

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

**Media:**

PWS

**Small Business:**

No

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

Abraxas Utilities, located approximately 0.1 mile northeast of the intersection of Hillcroft Road and White Settlement Road, Fort Worth, Parker 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:** May 16, 2025

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$6,090

**Amount Deferred for Naturally Occurring Radionuclides:** \$4,350

**Total Paid to General Revenue:** \$1,740

**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:** September 16, 2024 through September 27, 2024

**Date(s) of NOE(s):** September 27, 2024

***Violation Information***

**Executive Summary – Enforcement Matter – Case No. 66837**  
**CSWR-Texas Utility Operating Company, LLC**  
**RN102678885**  
**Docket No. 2024-1626-PWS-E**

1. Failed to comply with the maximum contaminant level ("MCL") of 5 picoCuries per liter for combined radium-226 and radium-228 based on the running annual average [30 TEX. ADMIN. CODE § 290.108(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
2. Failed to provide the results of radionuclides sampling to the Executive Director ("ED") for the January 1, 2024 to March 31, 2024 monitoring period [30 TEX. ADMIN. CODE § 290.108(e)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

a. Within 30 days:

i. Ensure that all delinquent drinking water chemical analysis results for radionuclides are reported to the ED; and

ii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results for radionuclides are released by the Facility's laboratories and reported to the ED within the first ten days following the month in which the results are received by the public water system, or the first ten days following the end of the monitoring period, whichever occurs first.

b. Within 45 days, submit written certification to demonstrate compliance with a.

c. Within 180 days, submit an acceptable written plan, including a proposed schedule and any applicable planning materials, to the ED that provides for an alternate water source, treatment technology, or other means of completing the necessary corrective actions to achieve compliance within 1,095 days with the MCL for combined radium-226 and radium-228.

d. Within 195 days, submit written certification to demonstrate compliance with c.

e. Within 365 days and on a semi-annual basis thereafter, submit progress reports. These reports shall include information regarding actions taken to provide water which meets the MCL for combined radium-226 and radium-228.

f. Within 1,095 days, return to compliance with the MCL for combined radium-226 and radium-228 based on the running annual average.

**Executive Summary – Enforcement Matter – Case No. 66837**  
**CSWR-Texas Utility Operating Company, LLC**  
**RN102678885**  
**Docket No. 2024-1626-PWS-E**

g. Within 1,110 days, submit written certification to demonstrate compliance with f.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Savannah Jackson, Enforcement Division,  
Enforcement Team 5, MC 219, (512) 239-4306; Michael Parrish, Enforcement Division,  
MC 219, (512) 239-2548

**Respondent:** Josiah Cox, President, CSWR-Texas Utility Operating Company, LLC, 1630  
Des Peres Road, Suite 140, Des Peres, Missouri 63131-1871

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	30-Sep-2024	<b>Screening</b>	1-Oct-2024	<b>EPA Due</b>	31-Dec-2024
	<b>PCW</b>	8-Oct-2024				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	CSWR-Texas Utility Operating Company, LLC (PCW No. 1 of 2)				
<b>Reg. Ent. Ref. No.</b>	RN102678885				
<b>Facility/Site Region</b>	4-Dallas/Fort Worth		<b>Major/Minor Source</b>	Major	

## CASE INFORMATION

<b>Enf./Case ID No.</b>	66837	<b>No. of Violations</b>	1
<b>Docket No.</b>	2024-1626-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Savannah Jackson
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$2,500
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	74.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$1,850
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Notes

Enhancement for two NOV's with the same/similar violations, one NOV with dissimilar violations, two agreed orders containing a denial of liability, and one agreed order without a denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

<b>Culpability</b>	No	0.0%	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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Notes

The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$13,647
Estimated Cost of Compliance	\$40,000

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$4,350
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

<b>Final Penalty Amount</b>	\$4,350
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$4,350
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<b>DEFERRAL</b>	100.0%	<b>Reduction</b>	<b>Adjustment</b>	-\$4,350
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

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

<b>PAYABLE PENALTY</b>	\$0
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<b>Screening Date</b>	1-Oct-2024	<b>Docket No.</b>	2024-1626-PWS-E	<b>PCW</b>
<b>Respondent</b>	CSWR-Texas Utility Operating Company, LLC (PCW No. 1 of 2)			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	66837			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN102678885			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Savannah Jackson			

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	2	10%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	2	40%
	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	1	25%
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)** 74%

#### >> 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

<b>Compliance History Notes</b>	Enhancement for two NOVs with the same/similar violations, one NOV with dissimilar violations, two agreed orders containing a denial of liability, and one agreed order without a denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure of violations.
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**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 74%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 74%

<b>Screening Date</b>	1-Oct-2024	<b>Docket No.</b>	2024-1626-PWS-E	<b>PCW</b>
<b>Respondent</b>	CSWR-Texas Utility Operating Company, LLC (PCW No. 1 of 2)			Policy Revision 5 (January 28, 2021)
<b>Case ID No.</b>	66837			PCW Revision February 11, 2021
<b>Reg. Ent. Reference No.</b>	RN102678885			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Savannah Jackson			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.108(f)(1) and Tex. Health and Safety Code § 341.0315(c)			
<b>Violation Description</b>	Failed to comply with the maximum contaminant level ("MCL") of 5 picoCuries per liter ("pCi/L") for combined radium-226 and radium-228 based on the running annual average. Specifically, the running annual average concentrations of combined radium-226 and radium-228 were 6 pCi/L for the third quarter of 2023 and the first quarter of 2024.			
		<b>Base Penalty</b>	\$5,000	
>> Environmental, Property and Human Health Matrix				
OR	<b>Release</b>	<b>Harm</b>		
		Major Moderate Minor		
	Actual		x	
	Potential			
		<b>Percent</b>	50.0%	
>>Programmatic Matrix				
	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
	<b>Percent</b>	0.0%		
<b>Matrix Notes</b>	Exceeding the MCL for combined radium-226 and radium-228 caused the persons served by the Facility to be exposed to a significant amount of contaminants which did not exceed levels protective of human health.			
	<b>Adjustment</b>	\$2,500		
		\$2,500		
Violation Events				
	<b>Number of Violation Events</b>	1	274	<b>Number of violation days</b>
	<b>daily</b>			
	<b>weekly</b>			
	<b>monthly</b>			
	<b>quarterly</b>			
	<b>semiannual</b>			
	<b>annual</b>	x		
	<b>single event</b>			
	<b>Violation Base Penalty</b> \$2,500			
	One annual event is recommended.			
Good Faith Efforts to Comply				
	<b>0.0%</b>	<b>Reduction</b> \$0		
	<b>Before NOE/NOV</b>	<b>NOE/NOV to EDPRP/Settlement Offer</b>		
	<b>Extraordinary</b>			
	<b>Ordinary</b>			
	<b>N/A</b>	x		
	<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		
	<b>Violation Subtotal</b>	\$2,500		
Economic Benefit (EB) for this violation				
	<b>Statutory Limit Test</b>			
	<b>Estimated EB Amount</b>	\$13,647	<b>Violation Final Penalty Total</b>	\$4,350
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$4,350

# Economic Benefit Worksheet

**Respondent** CSWR-Texas Utility Operating Company, LLC (PCW No. 1 of 2)  
**Case ID No.** 66837  
**Reg. Ent. Reference No.** RN102678885  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$40,000	30-Sep-2023	13-Aug-2028	4.87	\$650	\$12,997	\$13,647
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	The delayed cost includes the estimated amount to investigate, identify, and implement the necessary corrective actions to return to compliance with the MCL for combined radium-226 and radium-228, calculated from the last day of the first quarter of noncompliance to the estimated date of compliance.						

## Avoided Costs

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

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

Approx. Cost of Compliance	\$40,000	<b>TOTAL</b>	\$13,647
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# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	30-Sep-2024	<b>Screening</b>	1-Oct-2024	<b>EPA Due</b>	31-Dec-2024
	<b>PCW</b>	8-Oct-2024				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	CSWR-Texas Utility Operating Company, LLC (PCW No. 2 of 2)				
<b>Reg. Ent. Ref. No.</b>	RN102678885				
<b>Facility/Site Region</b>	4-Dallas/Fort Worth		<b>Major/Minor Source</b>	Major	

## CASE INFORMATION

<b>Enf./Case ID No.</b>	66837	<b>No. of Violations</b>	1
<b>Docket No.</b>	2024-1626-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Savannah Jackson
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$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.

<b>Compliance History</b>	74.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$740
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Notes

Enhancement for two NOV's with the same/similar violations, one NOV with dissimilar violations, two agreed orders containing a denial of liability, and one agreed order without a denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

<b>Culpability</b>	No	0.0%	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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Notes

The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$16  
Estimated Cost of Compliance \$257

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$1,740
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

<b>Final Penalty Amount</b>	\$1,740
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$1,740
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<b>DEFERRAL</b>	0.0%	<b>Reduction</b>	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$1,740
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<b>Screening Date</b>	1-Oct-2024	<b>Docket No.</b>	2024-1626-PWS-E	<b>PCW</b>
<b>Respondent</b>	CSWR-Texas Utility Operating Company, LLC (PCW No. 2 of 2)			Policy Revision 5 (January 28, 2021)
<b>Case ID No.</b>	66837			PCW Revision February 11, 2021
<b>Reg. Ent. Reference No.</b>	RN102678885			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Savannah Jackson			

## Compliance History Worksheet

### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	2	10%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	2	40%
	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	1	25%
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)** 74%

### >> Repeat Violator (Subtotal 3)

N/A

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

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

Satisfactory Performer

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

### >> Compliance History Summary

#### Compliance History Notes

Enhancement for two NOVs with the same/similar violations, one NOV with dissimilar violations, two agreed orders containing a denial of liability, and one agreed order without a denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 74%

### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 74%

<b>Screening Date</b>	1-Oct-2024	<b>Docket No.</b>	2024-1626-PWS-E	<b>PCW</b>
<b>Respondent</b>	CSWR-Texas Utility Operating Company, LLC (PCW No. 2 of 2)	Policy Revision 5 (January 28, 2021)		
<b>Case ID No.</b>	66837	PCW Revision February 11, 2021		
<b>Reg. Ent. Reference No.</b>	RN102678885			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Savannah Jackson			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.108(e)			
<b>Violation Description</b>	Failed to provide the results of radionuclide sampling to the Executive Director for the January 1, 2024 to March 31, 2024 monitoring period.			
<b>Base Penalty</b>				\$5,000

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

<b>OR</b>	<b>Release</b>	<b>Harm</b>			
		Major	Moderate	Minor	
	Actual				<b>Percent</b> 0.0%
	Potential				

**>> Programmatic Matrix**

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

\$1,000

**Violation Events**

Number of Violation Events	1	Number of violation days	183
	<div style="display: flex; flex-direction: column; align-items: flex-start;"> <div style="display: flex; align-items: center; margin-bottom: 2px;">daily</div> <div style="display: flex; align-items: center; margin-bottom: 2px;">weekly</div> <div style="display: flex; align-items: center; margin-bottom: 2px;">monthly</div> <div style="display: flex; align-items: center; margin-bottom: 2px;">quarterly</div> <div style="display: flex; align-items: center; margin-bottom: 2px;">semiannual</div> <div style="display: flex; align-items: center; margin-bottom: 2px;">annual</div> <div style="display: flex; align-items: center;">single event</div> </div>		
<b>Violation Base Penalty</b>			\$1,000
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.			
<b>Violation Subtotal</b>				\$1,000

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

<b>Statutory Limit Test</b>	
Estimated EB Amount	\$16
<b>Violation Final Penalty Total</b>	\$1,740
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$1,740	

# Economic Benefit Worksheet

**Respondent** CSWR-Texas Utility Operating Company, LLC (PCW No. 2 of 2)  
**Case ID No.** 66837  
**Reg. Ent. Reference No.** RN102678885  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
<b>Delayed Costs</b>							
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	\$100	16-Sep-2024	14-Sep-2025	0.99	\$5	n/a	\$5
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$157	10-Apr-2024	14-Sep-2025	1.43	\$11	n/a	\$11
Notes for DELAYED costs	<p>The Training/Sampling cost includes the estimated cost to implement process procedures, guidance, training, and/or oversight to ensure that future drinking water sample results are released by the Facility's laboratories and reported to the Executive Director, calculated from the record review date to the estimated date of compliance.</p> <p>The Other (as needed) cost includes the estimated amount to pay any outstanding lab fees (\$157 for radionuclides x one sample) so that the lab will release all drinking water chemical analysis results, calculated from the date the sampling results were due to the estimated date of compliance.</p>						
<b>Avoided Costs</b>							
<b>ANNUALIZE avoided costs before entering item (except for one-time avoided costs)</b>							
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				\$257	<b>TOTAL</b>		\$16



# Compliance History Report

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

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

**CH Group:** 14 - Other

**Location:** APPROXIMATELY 0.1 MILES NORTHEAST OF THE INTERSECTION OF HILLCROFT ROAD AND WHITE SETTLEMENT ROAD NEAR FORTH WORTH, PARKER COUNTY, TEXAS

**TCEQ Region:** REGION 04 - DFW METROPLEX

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

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

**Date Compliance History Report Prepared:** March 19, 2025

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** March 19, 2020 to March 19, 2025

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Savannah Jackson  
**Phone:** (512) 239-4306

## Site and Owner/Operator History:

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

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

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

- 1 Effective Date: 10/18/2022 ADMINORDER 2021-1530-PWS-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.110(b)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Failure to maintain a disinfectant residual of at least 0.2 milligrams per liter (mg/L) free chlorine throughout the distribution system. Specifically, on September 13, 2021 a free chlorine residual concentration of 0.1 mg/L was measured at 240 Arrowhead Drive.  
Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)  
Description: Failure to maintain all water treatments units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids. Specifically, the EST located at Water Plant No. 2 was leaking due to a hole in the sidewall.  
Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
Description: Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the perimeter fence around Water Plant No. 2 was overgrown with brush and vines, old firewood was stacked up against the fence, barbed wire atop the fence was loose and the gate left a gap when closed.
- 2 Effective Date: 07/23/2024 ADMINORDER 2023-1072-PWS-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(F)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

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

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(F)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

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

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(F)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

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

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(F)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

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

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(F)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

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

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(F)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: GA MCL 4Q2021 - During the 4th quarter of 2021 the system violated the maximum contaminant level for gross alpha with a RAA of 19 pCi/L at EP001 and 18 pCi/L at EP002. ETT Point Value = 5

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(F)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: GA MCL 3Q2021 - During the 3rd quarter of 2021 the system violated the maximum contaminant level for gross alpha with a RAA of 20 pCi/L at EP001 and 17 pCi/L at EP002. ETT Point Value = 5

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(F)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: GA MCL 2Q2021 - During the 2nd quarter of 2021 the system violated the maximum contaminant level for gross alpha with a RAA of 20 pCi/L at EP001 and 16 pCi/L at EP002. ETT Point Value = 5

3 Effective Date: 08/27/2024 ADMINORDER 2023-1536-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Minor

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

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

Specifically, it was noted that there was widespread surface rust on the elevated storage tank ("EST") roof, water supply line, and support structure.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(i)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

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

## B. Criminal convictions:

N/A

## C. Chronic excessive emissions events:

N/A

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

Item 5	May 27, 2021	(1724063)
Item 7	October 26, 2021	(1770294)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- |   |              |  |           |                          |
|---|--------------|--|-----------|--------------------------|
| 1 | Date:        | 07/15/2024   | (1994578) |                          |
|   | Self Report? | NO   |           | Classification: Moderate |
|   | Citation:    | 30 TAC Chapter 290, SubChapter D 290.46(d)(2)<br>30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)<br>30 TAC Chapter 290, SubChapter F 290.110(b)(4)  |           |                          |
|   | Description: | Failure to maintain the minimum required disinfectant residual of 0.2 mg/L free chlorine at all times throughout the distribution system.<br>EIC B18(c)(7) MOD(2)(G)   |           |                          |
|   | Self Report? | NO   |           | Classification: Moderate |
|   | Citation:    | 30 TAC Chapter 290, SubChapter D 290.43(c)(3)<br>30 TAC Chapter 290, SubChapter D 290.46(m)  |           |                          |
|   | Description: | Failure to maintain the cover of the overflow line in a good working condition.<br>EIC C4 MOD(2)(G)  |           |                          |
| 2 | Date:        | 09/11/2024   | (2015326) |                          |
|   | Self Report? | NO   |           | Classification: Moderate |
|   | Citation:    | 30 TAC Chapter 290, SubChapter D 290.46(f)(4)<br>30 TAC Chapter 290, SubChapter F 290.108(e)<br>30 TAC Chapter 290, SubChapter F 290.108(f)(3)<br>30 TAC Chapter 290, SubChapter F 290.108(f)(4)   |           |                          |
|   | Description: | RAD MR 1Q2024 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 01/01/2024 to 03/31/2024 within the required timeline. ETT Point Value = 1; SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 03/11/2024 |           |                          |
| 3 | Date:        | 09/12/2024   | (2015326) |                          |
|   | Self Report? | NO   |           | Classification: Moderate |
|   | Citation:    | 30 TAC Chapter 290, SubChapter F 290.108(f)(1)   |           |                          |
|   | Description: | COMB RAD MCL 1Q2024 - During the 1st quarter of 2024 the system violated the maximum contaminant level for combined radium 226 and 228 with a RAA of 6 pCi/L. ETT Point Value = 5  |           |                          |

#### F. Environmental audits:

Notice of Intent Date: 02/08/2021 (1710314)

Disclosure Date: 03/01/2021

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)

Description: Failed to provide adequate containment facilities.

Viol. Moderate

Classification:

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

Description: Failed to prevent exposed wires on Well No. 2.

Viol. Moderate

Classification:

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

30 TAC Chapter 290, SubChapter D 290.46(v)

Description: Failed to prevent loose items in the pump house.

Disclosure Date: 07/20/2021

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(B)

30 TAC Chapter 290, SubChapter D 290.47(f)

Description: Failed to establish an adequate cross-connection prevention program denoting appropriate backflow prevention devices and testing requirements.

Viol. Moderate

Classification:

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

Description: Failed to conduct customer service inspections.

Viol. Moderate

Classification:

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

Description: Failed to establish a retail service agreement.

Disclosure Date: 08/30/2021

Viol. Moderate  
Classification:  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(2)  
Description: Failed to provide a proper chemical storage tank.

**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

### All NOV's Issued During Component Period 3/19/2020 and 3/19/2025

Page 5





	Self Report? NO	Classification: Major
	Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)(2)	
	Description: Failure to issue a Boil Water Notice within 24 hours after the situation requiring special precautions is identified. EIC A (12)(d)(5), Major	
10	Date: 11/18/2021 (1775626)	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(1)	
	Description: COMB RAD MCL and GA MCL 2Q2021 - During the 2nd quarter of 2021 the system violated the maximum contaminant level for combined radium 226 and 228 with a RAA of 6 pCi/L on EP001 and for gross alpha with a RAA of 20 pCi/L on EP001 and with a RAA of 16 pCi/L on EP002.	
11	Date: 11/18/2021 (1916830)	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 290, SubChapter F 290.108(F)(1) 5A THSC Chapter 341, SubChapter A 341.0315(c)	
	Description: GA MCL 2Q2021 - During the 2nd quarter of 2021 the system violated the maximum contaminant level for gross alpha with a RAA of 20 pCi/L at EP001 and 16 pCi/L at EP002. ETT Point Value = 5	
12	Date: 12/15/2021 (1916830)	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 290, SubChapter F 290.108(F)(1) 5A THSC Chapter 341, SubChapter A 341.0315(c)	
	Description: GA MCL 3Q2021 - During the 3rd quarter of 2021 the system violated the maximum contaminant level for gross alpha with a RAA of 20 pCi/L at EP001 and 17 pCi/L at EP002. ETT Point Value = 5	
13	Date: 04/21/2022 (1916830)	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 290, SubChapter F 290.108(F)(1) 5A THSC Chapter 341, SubChapter A 341.0315(c)	
	Description: GA MCL 4Q2021 - During the 4th quarter of 2021 the system violated the maximum contaminant level for gross alpha with a RAA of 19 pCi/L at EP001 and 18 pCi/L at EP002. ETT Point Value = 5	
14	Date: 06/22/2022 (1916830)	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 290, SubChapter F 290.108(F)(1) 5A THSC Chapter 341, SubChapter A 341.0315(c)	
	Description: GA MCL 1Q2022 - During the 1st quarter of 2022 the system violated the maximum contaminant level for gross alpha with a RAA of 19 pCi/L at EP001 and 18 pCi/L at EP002. ETT Point Value = 5	
15	Date: 12/15/2022 (1916830)	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 290, SubChapter F 290.108(F)(1) 5A THSC Chapter 341, SubChapter A 341.0315(c)	
	Description: GA MCL 2Q2022 - During the 2nd quarter of 2022 the system violated the maximum contaminant level for gross alpha with a RAA of 18 pCi/L at EP001 and 17 pCi/L at EP002. ETT Point Value = 5	

- 16 Date: 01/04/2023 (1916830)  
Self Report? NO Classification: Moderate  
Citation:  
30 TAC Chapter 290, SubChapter F 290.108(F)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: GA MCL 3Q2022 - During the 3rd quarter of 2022 the system violated the maximum contaminant level for gross alpha with a RAA of 19 pCi/L at EP001. ETT Point Value = 5
- 17 Date: 02/24/2023 (1916830)  
Self Report? NO Classification: Moderate  
Citation:  
30 TAC Chapter 290, SubChapter F 290.108(F)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: GA MCL 4Q2022 - During the 4th quarter of 2022 the system violated the maximum contaminant level for gross alpha with a RAA of 20 pCi/L at EP001 and 16 pCi/L at EP002. ETT Point Value = 5
- 18 Date: 04/25/2023 (1873834)  
Self Report? NO Classification: Minor  
Citation:  
30 TAC Chapter 290, SubChapter D 290.46(m)  
Description: Failure to ensure the good working condition and general appearance of water system facilities and equipment. EIC C4 MIN(3)(D). Specifically, it was noted that there was widespread surface rust on the elevated storage tank ("EST") roof, water supply line, and support structure.  
Self Report? NO Classification: Moderate  
Citation:  
30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(i)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Failure to provide a production capacity of 0.6 gallons per minute (gpm) per connection. EIC B18(c)(10) MOD (2)(G)
- 19 Date: 04/28/2023 (1916830)  
Self Report? NO Classification: Moderate  
Citation:  
30 TAC Chapter 290, SubChapter F 290.108(F)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: GA MCL 1Q2023 - During the 1st quarter of 2023 the system violated the maximum contaminant level for gross alpha with a RAA of 21 pCi/L at EP001. ETT Point Value = 5
- 20\* Date: 09/13/2023 (2015326)  
Self Report? NO Classification: Moderate  
Citation:  
30 TAC Chapter 290, SubChapter F 290.108(f)(1)  
Description: COMB RAD MCL 3Q2023 - During the 3rd quarter of 2023 the system violated the maximum contaminant level for combined radium 226 and 228 with a RAA of 6 pCi/L. ETT Point Value = 5
- 21\* Date: 07/15/2024 (1994578)  
Self Report? NO Classification: Moderate  
Citation:  
30 TAC Chapter 290, SubChapter D 290.46(d)(2)  
30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.110(b)(4)  
Description: Failure to maintain the minimum required disinfectant residual of 0.2 mg/L free chlorine at all times throughout the distribution system. EIC B18(c)(7) MOD(2)(G)  
Self Report? NO Classification: Moderate  
Citation:  
30 TAC Chapter 290, SubChapter D 290.43(c)(3)  
30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to maintain the cover of the overflow line in a good working condition.  
EIC C4 MOD(2)(G)

22 Date: 09/11/2024 (2015326)

Self Report? NO

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
30 TAC Chapter 290, SubChapter F 290.108(e)  
30 TAC Chapter 290, SubChapter F 290.108(f)(3)  
30 TAC Chapter 290, SubChapter F 290.108(f)(4)

Description: RAD MR 1Q2024 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 01/01/2024 to 03/31/2024 within the required timeline. ETT Point Value = 1; SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 03/11/2024

23 Date: 09/12/2024 (2015326)

Self Report? NO

Classification: Moderate

Citation:

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

Description: COMB RAD MCL 1Q2024 - During the 1st quarter of 2024 the system violated the maximum contaminant level for combined radium 226 and 228 with a RAA of 6 pCi/L. ETT Point Value = 5

\* NOV's applicable for the Compliance History rating period 9/1/2019 to 8/31/2024

## Appendix B

### All Investigations Conducted During Component Period March 19, 2020 and March 19, 2025

Item 1	April 24, 2020**	(1645366)
Item 2	July 29, 2020**	(1665196)
Item 3	July 31, 2020**	(1665381)
Item 4*	May 27, 2021**	(1724063)
Item 5*	October 26, 2021**	(1770294)
Item 6	December 07, 2021**	(1775626)
Item 7	December 10, 2021**	(1776113)
Item 8	April 14, 2023**	(1873834)
Item 9	July 26, 2023**	(1916830)
Item 10	July 28, 2023**	(1917347)
Item 11	October 20, 2023**	(1931310)
Item 12	September 25, 2024	(2015326)
Item 13	September 27, 2024	(2015477)

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2019 and 08/31/2024.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION

CONCERNING  
CSWR-TEXAS UTILITY OPERATING  
COMPANY, LLC  
RN102678885

§  
§  
§  
§  
§  
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2024-1626-PWS-E

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

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

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

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

### I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located approximately 0.1 miles northeast of the intersection of Hillcroft Road and White Settlement Road, near Fort Worth, Parker County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 264 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(73).
2. During a record review for the Facility conducted on September 16, 2024 through September 27, 2024, an investigator documented that:
  - a. The running annual average concentrations for combined radium-226 and radium-228 were 6 picoCuries per liter ("pCi/L") for the third quarter of 2023 and the first quarter of 2024; and
  - b. The Respondent did not provide the results of radionuclides sampling to the Executive Director for the January 1, 2024 to March 31, 2024 monitoring period.

## II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to comply with the maximum contaminant level ("MCL") of 5 pCi/L for combined radium-226 and radium-228 based on the running annual average, in violation of 30 TEX. ADMIN. CODE § 290.108(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to provide the results of radionuclides sampling to the Executive Director for the January 1, 2024 to March 31, 2024 monitoring period, in violation of 30 TEX. ADMIN. CODE § 290.108(e).
4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of \$6,090 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent paid \$1,740 of the penalty. The TCEQ has determined that Conclusion of Law No. 2 of this Order qualifies for 100% deferral. Therefore, the remaining amount of \$4,350 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any requirement contained in this Order, the Executive Director may demand payment of all or part of the conditionally deferred penalty.

## III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 5 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: CSWR-Texas Utility Operating Company, LLC, Docket No. 2024-1626-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 30 days after the effective date of this Order:
    - i. Ensure that all delinquent drinking water chemical analysis results for radionuclides are reported to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.108(e); and
    - ii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results for radionuclides are released by the Facility's laboratories and reported to the Executive Director within the first ten days following the month in which the results are received by the public water system, or the first ten days following the end of the monitoring period, whichever occurs first, in accordance 30 TEX. ADMIN. CODE § 290.108(e).
  - b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.g 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 180 days after the effective date of this Order, submit an acceptable written plan, including a proposed schedule and any applicable planning materials, to the Executive Director that provides for an alternate water source, treatment technology, or other means of completing the necessary corrective actions to achieve compliance within 1,095 days after the effective date of this Order with the MCL for combined radium-226 and radium-228 to the addresses listed in Ordering Provision No. 2.g below.
  - d. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.g below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.
  - e. Within 365 days after the effective date of this Order and on a semi-annual basis thereafter, submit progress reports to the addresses listed in Ordering Provision No. 2.g below. These reports shall include information regarding actions taken to provide water which meets the MCL for combined radium-226 and radium-228.
  - f. Within 1,095 days after the effective date of this Order, return to compliance with the MCL for combined radium-226 and radium-228 based on the running

annual average, in accordance with 30 TEX. ADMIN. CODE § 290.108(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c).

- g. Within 1,110 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.f. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

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

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement



proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.

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

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

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Date

  
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For the Executive Director


06/20/2025  
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Date

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

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

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

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

  
Josiah Cox (Mar 27, 2025 14:35 CDT)  
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Signature

03/27/2025  
-----  
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:*

**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.