UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

AUG 12 2016

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7015 1520 0003 3989 8450

Mr. Steve Clouse
Chief Operating Officer & Senior Vice-President
San Antonio Water System
2100 U.S. Highway 281 North
San Antonio, TX 78212

Re: Administrative Order; Docket Number: CWA-06-2016-1770
NPDES Permit Number: TX0065641

Dear Mr. Clouse:

Enclosed is an Administrative Order (AO) issued to the San Antonio Water System (SAWS) for violation of Section 301 of the Clean Water Act (CWA) (33 U.S.C. §§ 1251-1387). Violations were identified during a review of the permit file and Discharge Monitoring Reports submitted to the Environmental Protection Agency, Region 6 (EPA). The violation alleged is for failure to meet effluent limits as required by the permit.

The AO does not assess a monetary penalty; however, it does require compliance with the permit requirements and applicable federal regulations. The first compliance deadline is within thirty days of receipt of the AO. The AO also contains other compliance deadlines and information demands. EPA is committed to ensuring compliance with the requirements of the National Pollutant Discharge Elimination System (NPDES) program and my staff will assist you in any way possible. Please reference AO Docket Number CWA-06-2016-1770 and NPDES Permit Number TX0065641on your response.

If you have any questions, please contact Mr. Ted Palit, P.E., of my staff, at (214) 665-8061.

Sincerely,

John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosures

cc: Mr. Sandy Van Cleave (MC 169)
Enforcement Section I
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 6 • 1445 Ross Avenue, Suite 1200 • Dallas, TX 75202-2733
FINDINGS OF VIOLATIONS and ORDER FOR COMPLIANCE
Docket Number: CWA-06-2016-1770
NPDES Permit Number: TX0065641

Statutory Authority

The following findings are made and Order issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA"), by Section 309(a) of the Clean Water Act ("the Act"), 33 U.S.C. § 1319(a). The Administrator of EPA delegated the authority to issue this Order to the Regional Administrator of EPA Region 6, who delegated this authority to the Director of the Compliance Assurance and Enforcement Division.

Findings

1. San Antonio Water System ("Respondent") is a "person," as that term is defined at Section 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

2. At all times relevant to this Order ("all relevant times"), Respondent owned or operated the Mitchell Lake Site Water System located south of the City of San Antonio, in Bexar County, Texas ("facility"), and was, therefore, an "owner or operator" within the meaning of 40 C.F.R. § 122.2.

3. At all relevant times, the facility acted as a "point source" of a "discharge" of "pollutants" with its wastewater to the receiving waters of Cottonmouth Creek; thence to the Medina River below Medina Diversion Lake in Segment No. 1903 of the San Antonio River Basin, which is a "water of the United States," within the meaning of Section 502 of the Act, 33 U.S.C. § 1362, and 40 C.F.R. § 122.2.

4. Because Respondent owned or operated a facility that acted as a point source of discharges of pollutants to waters of the United States, Respondent and the facility were subject to the Act and the National Pollutant Discharge Elimination System ("NPDES") program.

5. Under Section 301 of the Act, 33 U.S.C. § 1311, it is unlawful for any person to discharge any pollutant from a point source to waters of the United States, except with authorization of, and in compliance with, an NPDES permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342.

6. Section 402(a) of the Act, 33 U.S.C. § 1342(a), provides that the Administrator of EPA may issue permits under the NPDES program for the discharge of pollutants from point sources to waters of the United States. Any such discharge is subject to the specific terms and conditions prescribed in the applicable permit.

7. Section 402 of the Act, 33 U.S.C. § 1342, authorizes states to request approval from EPA to administer their own permit program for discharges into navigable waters within their jurisdiction. Pursuant to this provision, the State of Texas requested approval from EPA to administer its own permit program for discharges into navigable waters within Texas, and such approval was granted by EPA on September 14, 1998. Therefore, pursuant to the State's permit program, the Texas Commission on Environmental Quality ("TCEQ") has issued Texas Pollutant Discharge Elimination System ("TPDES") permits. Violation of a TPDES permit is a violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a).

8. Respondent applied for and was issued TPDES Permit Number TX0065641 ("permit") under Section 402 of the Act, 33 U.S.C. § 1342, which became effective on September 15, 2010. At all relevant times, Respondent was authorized to discharge pollutants from the facility to waters of the United States only in compliance with the specific terms and conditions of the permit.

9. "Effluent Limitations and Monitoring requirements" for each permit place certain limitations on the quantity and quality of effluent discharged by Respondent. The relevant discharge limitations are specified in Attachment A, which is incorporated herein by reference.

10. "Monitoring and Reporting Requirements" of the permit require Respondent to sample and test its effluent and monitor its compliance with permit conditions according to specific procedures in order to determine the facility's compliance or noncompliance with the permit and regulations. They also require Respondent to file with EPA and the Texas Commission on Environmental Quality ("TCEQ") certified Discharge monitoring Reports ("DMRs") of the results of monitoring, and noncompliance reports when appropriate.

11. Certified DMRs filed by Respondent with EPA and TCEQ in compliance with the permit show discharges of pollutants from the facility's that exceed permitted effluent limitations. The relevant discharge violations are specified in Attachment B, which is incorporated herein by reference.

12. Each violation of the conditions of the permit or regulations described above, is a violation of Section 301 of the Act, 33 U.S.C. § 1311.

SECTION 309(a) COMPLIANCE ORDER

Based on the foregoing Findings and pursuant to the authority of Section 309 of the Act, 33 U.S.C. § 1319, EPA hereby orders Respondent to take the following actions:

A. Within thirty (30) days of receipt of this Order, Respondent shall take such measures as are necessary to comply with all permit conditions, including "Effluent Limitations and Monitoring and Reporting Requirements."

SECTION 308 INFORMATION DEMAND

Based on the foregoing Findings and pursuant to the authority of Section 308 of the Act, 33 U.S.C. § 1318, Respondent is required to do the following:

A. Within thirty (30) days of the effective date of this Order, Respondent shall submit a list of corrective actions taken to correct the Total Suspended Solids, E.coli, Dissolved Oxygen, pH, and Biological Oxygen Demand-5 Day. Such plan shall describe in detail the specific corrective actions taken and why such actions are sufficient to correct the violations. The plan shall include a detailed schedule for the elimination of the violations within the shortest time, as well as measures to prevent these or similar violations from recurring.

B. To ask questions or comment on this matter, please contact Mr. Ted Palit, P.E., of my staff, at (214) 665-8061.

C. Any information or correspondence submitted by Respondent to EPA under this Order including the schedule portion of the administrative order shall be addressed to the following:

Ms. Judy Edelbrock
Water Enforcement Branch (6EN-WC)
EPA, Region 6
1445 Ross Ave., Suite 1200
Dallas, TX 75202-2733

General Provisions

Respondent may seek federal judicial review of th pursuant to Chapter 7 of the Administrative Procedu 5 U.S.C. §§ 701-706.

Issuance of this Order shall not be deemed an elec EPA to waive any administrative, judicial, civil or c action to seek penalties, fines, or any other relief appr under the Act for the violations cited herein, o violations that become known to EPA. EPA reserves t to seek any remedy available under the law that it appropriate.

Failure to comply with this Order or the Act may r further administrative action, or a civil judicial action i by the United States Department of Justice.

This Order does not constitute a waiver or modi of the terms or conditions of Respondent's NPDES which remain in full force and effect. Compliance v terms and conditions of this Order does not Respondent of its obligation to comply with any ap federal, state, or local law or regulations.

The effective date of this Order is the date it is rec by Respondent.

AUG 12 2016

Date

John Blevins
Director
Compliance Assurance and
Enforcement Division

ATTACHMENT A
TX0065641
EFFLUENT LIMITATIONS
OUTFALL 001

Effluent Characteristics	Discharge Limitations for Outfall 001 of the Permit Effective September 15, 2010			
	Daily Avg. Mg/L(lbs./day)	7 Day Avg. Mg/L	Daily Max. Mg/L	Daily Min. Mg/L
Total Suspended Solids (TSS)	90(N/A)	135	N/A	N/A
E. coli bacteria, CFU/100 ml	126	N/A	394	N/A
Dissolved Oxygen	N/A	N/A	N/A	4.0
pH, S.U.	N/A	N/A	9.0	6.0
BOD_5	30(N/A)	N/A	N/A	N/A

Attachment B
Effluent Violations
TX0065641

Date	Outfall	Parameter	Violation	Permit Limit
May 2013	001	TSS, Daily Avg.	136.4 mg/L	90 mg/L
June 2013	001	E. Coli	800 CFU/100 ml	394 CFY/100 ml
June 2013	001	Dissolved Oxygen, Daily Min.	0.27 mg/L	4 mg/L
June 2013	001	pH, Daily Max.	9.08 S.U.	9.0 S.U.
June 2013	001	pH, Daily Min.	3.0 S.U.	6.0 S.U.
June 2013	001	TSS, Daily Avg.	100 mg/L	90 mg/L
July 2013	001	Dissolved Oxygen, Daily Min.	0.64 mg/L	4.0 mg/L
May 2014	001	Dissolved Oxygen, Daily Min.	2.8 mg/L	4.0 mg/L
May 2014	001	pH, Daily Max.	9.62 S.U.	9.0 S.U.
May 2014	001	TSS, Daily Avg.	220 mg/L	90 mg/L
June 2014	001	Dissolved Oxygen, Daily Min.	1.0 mg/L	4.0 mg/L
June 2012	001	pH, Daily Max.	9.7 S.U.	9.0 S.U.
June 2014	001	TSS, Daily Avg.	1,414.0 mg/L	90 mg/L
July 2014	001	BOD_5, Daily Avg.	35.8 mg/L	30 mg/L
July 2014	001	E. Coli, Daily Max.	2,100 CFU/100 ml	394 CFU/100ml
July 2014	001	Dissolved Oxygen, Daily Min.	3.21 mg/L	4.0 mg/L
July 2014	001	pH, Daily Max.	9.85 S.U.	9.0 S.U.
July 2014	001	TSS, Daily Avg.	144.4 mg/L	90 mg/L
April 2015	001	pH, Daily Max.	9.99 S.U.	9.0 S.U.
April 2015	001	TSS, Daily Avg.	156 mg/L	90 mg/L
May 2015	001	TSS, Daily Avg.	115 mg/L	90 mg/L
May 2015	001	pH, Daily Max.	9.7 S.U.	9.0 S.U.
June 2015	001	pH, Daily Max.	9.8 S.U.	9.0 S.U
July 2015	001	Dissolved Oxygen, Daily Min.	0.4 mg/L	4.0 mg/L
July 2015	001	pH, Daily Max.	10 S.U.	9 S.U.
July 2015	001	TSS, Daily Avg.	108.3 mg/L	90 mg/L