

AGREEMENT TO MODIFY CONSENT DECREE

WHEREAS, on July 23, 2013, a Consent Decree between the San Antonio Water System (“SAWS”), the United States of America, and the State of Texas (collectively referred to as the “Parties” or individually as a “Party”) was lodged in Civil Action No. 5:13-cv-00666-DAE: United States of America and State of Texas v. San Antonio Water System, in the United States District Court for the Western District of Texas, San Antonio Division (the “Consent Decree”);

WHEREAS, on October 15, 2013, the United States District Court for the Western District of Texas signed and entered the Consent Decree;

WHEREAS, on August 2, 2021, the United States District Court for the Western District of Texas signed and entered the Modified Consent Decree extending the final Consent Decree compliance deadline to July 22, 2027;

WHEREAS, Paragraph 110 of the Consent Decree provides that the terms of the Consent Decree may be modified only by a subsequent written agreement signed by all the Parties;

WHEREAS, Pursuant to Paragraph 44 of the CD, SAWS is to complete the remaining portions of the Lift Station Rehabilitation and Elimination Program over a period not exceeding ten (10) years after the date of Lodging of the CD.

WHEREAS, SAWS Lift Station Rehabilitation – Phase 5 and 2019 Lift Station Elimination projects are predominantly located on the former Kelly Air Force Base.


WHEREAS, SAWS has encountered access, permitting, design, and coordination delays on the Lift Station Rehabilitation-Phase 5 and 2019 Lift Station Elimination projects and based upon these delays SAWS requests that the project completion schedule be extended from 10 to 12 years from the date of lodging, which is within the term of the Consent Decree;

NOW, THEREFORE, THE PARTIES TO THE CONSENT DECREE AGREE AS FOLLOWS:

1. The projects Lift Station Rehabilitation-Phase 5 and 2019 Lift Station Elimination project schedules are extended from 10 to 12 years from the date of lodging. As such, SAWS is to complete SAWS Lift Station Rehabilitation – Phase 5 and 2019 Lift Station Elimination projects by July 23, 2025.
2. The Parties agree that the modifications to the Consent Decree made in this Agreement are non-material changes.

3. The undersigned agree to the terms of this Agreement to Modify Consent Decree on behalf of the respective Party for whom each of the undersigned executes this Agreement.

SAN ANTONIO WATER SYSTEM

By: 
Jeffrey J. Haby, P.E.
Vice President-Production & Treatment

Date: 4-4-2023

UNITED STATES

By: _____
Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division
U.S. Environmental Protection Agency

Date: _____

By: _____
Benjamin Bahk, Director
Water Enforcement Division
Office of Enforcement and Compliance Assurance (OECA)
U.S. Environmental Protection Agency

Date: _____

STATE OF TEXAS

By: 
Craig Pritzlaff
Director, Office of Compliance and
Enforcement
Texas Commission of Environmental Quality

Date: 4/6/2023