

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;

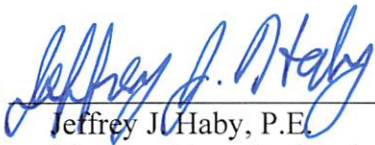
WHEREAS, SAWS designed the Rilling Road Flow Management Facility (RRFMF) as a 15-million-gallon raw sewage storage basin located in SAWS central basin sewer shed. The RRFMF was originally scoped and selected based on modeling of collection system capacity performance that demonstrated improvements were needed to alleviate capacity concerns in the central basin sewer shed. However, current models show that the RRFMF is not needed.

WHEREAS, SAWS has requested to substitute 123 miles of sewer replacement work that has been completed during the term of the CD. This additional work has significantly reduced flows such that current modeling no longer shows a capacity constraint exists. This substitution of work meets the overall objectives of the CD;

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

1. The RRFMF project is substituted with 123 miles of sewer replacement work.
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