

Executive Summary – Enforcement Matter – Case No. 60892

**City of Dayton Lakes
RN101258473
Docket No. 2021-0770-PWS-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Dayton Lakes PWS, located on County Road 2331, five miles off Farm-to-Market Road 1008, north of Kenefick, Liberty 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: June 16, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$12,820

Amount Deferred for Expedited Settlement: \$2,564

Total Paid to General Revenue: \$316

Total Due to General Revenue: \$9,940

Payment Plan: 35 payments of \$284 each

Compliance History Classifications:

Person/CN - N/A

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): February 1, 2021

Complaint Information: Alleged that the City of Dayton Lakes Water System did not have a licensed operator, the water was not being properly treated, and the water was causing illness.

Date(s) of Investigation: February 24, 2021 through March 19, 2021 and December 6, 2021 through December 17, 2021

Date(s) of NOE(s): June 11, 2021 and December 17, 2021

Executive Summary – Enforcement Matter – Case No. 60892

**City of Dayton Lakes
RN101258473
Docket No. 2021-0770-PWS-E**

Violation Information

1. Failed to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection [30 TEX. ADMIN. CODE § 290.42(b)(1) and (e)(3)].
2. Failed to operate the Facility under the direct supervision of a water works operator who holds a Class "D" or higher license [30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a)].
3. Failed to provide a copy of the boil water notice ("BWN") to the Executive Director ("ED") within 24 hours after issuance by the Facility and a signed Certificate of Delivery to the ED within ten days after issuance of the BWN. Specifically, the Respondent indicated on March 4, 2021 that a BWN was issued, but a copy of the BWN and a signed Certificate of Delivery were not provided [30 TEX. ADMIN. CODE § 290.46(q)(1)].
4. Failed to collect and report the results of synthetic organic chemical ("SOC") contaminants and volatile organic chemical ("VOC") contaminants sampling to the ED for the second and third quarters of 2021 [30 TEX. ADMIN. CODE § 290.107 (c) and (e)].
5. Failed to submit a Disinfection Level Quarterly Operating Report ("DLQOR") to the ED by the tenth day of the month following the end of each quarter for the second quarter of 2021 [30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By collecting the required number of VOC contaminants samples, having the samples analyzed and reporting the results to the ED by December 29, 2021; and
- b. By collecting the required number of SOC contaminants, having the samples analyzed and reporting the results to the ED by January 14, 2022.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection;

Executive Summary – Enforcement Matter – Case No. 60892

City of Dayton Lakes

RN101258473

Docket No. 2021-0770-PWS-E

- ii. Update operational guidance and conduct employee training to ensure that copies of BWNs and a signed certificate of delivery are provided to the ED;
 - iii. Provide a copy of the BWN, accompanied with a signed Certificate of Delivery, to the ED;
 - iv. Begin operating the Facility under the direct supervision of a water works operator who holds a minimum of a Class "D" or higher license; and
 - v. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs.
- b. Within 45 days, submit written certification to demonstrate compliance with a.
 - c. Within 90 days, begin submitting DLQORs to the ED by the tenth day of the month following the end of each quarter.
 - d. Within 195 days, submit written certification to demonstrate compliance with c.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Epifanio Villarreal, Enforcement Division, Enforcement Team 4, MC R-14, (361) 825-3421; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: The Honorable Justin McCormick, Mayor, City of Dayton Lakes, P.O. Box 1476, Dayton, Texas 77535

Amanda Jackson, Secretary, City of Dayton Lakes, P.O. Box 1476, Dayton, Texas 77535

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	14-Jun-2021	Screening	15-Jun-2021	EPA Due	
	PCW	2-Jun-2022				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Dayton Lakes (PCW No. 1)
Reg. Ent. Ref. No.	RN101258473
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	60892	No. of Violations	3
Docket No.	2021-0770-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Epifanio Villarreal
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$3,500
---	-------------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	18.0% Adjustment	Subtotals 2, 3, & 7	\$630
---------------------------	------------------	--------------------------------	-------

Notes: Enhancement for two NOVs with the same/similar violations and four NOVs with dissimilar violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
--------------------	----	------------------	-------------------	-----

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
--	-------------------	-----

Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
-------------------------	-------------------	-------------------	-----

Total EB Amounts: \$11,222
 Estimated Cost of Compliance: \$12,076
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$4,130
-----------------------------	-----------------------	---------

OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
---	------	-------------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$4,130
-----------------------------	---------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$4,130
-----------------------------------	-------------------------------	---------

DEFERRAL	20.0%	Reduction	Adjustment	-\$826
-----------------	-------	-----------	-------------------	--------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$3,304
------------------------	---------

Screening Date 15-Jun-2021

Docket No. 2021-0770-PWS-E

PCW

Respondent City of Dayton Lakes (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 60892

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101258473

Media Public Water Supply

Enf. Coordinator Epifanio Villarreal

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	4	8%
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>)	0	0%
	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>)	0	0%
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) 18%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with the same/similar violations and four NOVs with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 18%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 18%

Screening Date 15-Jun-2021

Docket No. 2021-0770-PWS-E

PCW

Respondent City of Dayton Lakes (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 60892

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101258473

Media Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.42(b)(1) and (e)(3)

Violation Description Failed to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection.

Base Penalty \$5,000

>> 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

Without disinfection facilities to ensure microbiological control and proper disinfection of the water, persons served by the Facility could be exposed to contaminants which would exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 2 111 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,500

Two quarterly events are recommended, calculated from the date of the investigation, February 24, 2021 to the date of screening, June 15, 2021.

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 \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$147

Violation Final Penalty Total \$1,770

This violation Final Assessed Penalty (adjusted for limits) \$1,770

Economic Benefit Worksheet

Respondent City of Dayton Lakes (PCW No. 1)
Case ID No. 60892
Reg. Ent. Reference No. RN101258473
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	24-Feb-2021	1-Apr-2023	2.10	\$7	\$140	\$147
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 disinfection facilities for microbiological control and distribution protection, 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 \$1,000

TOTAL \$147

Screening Date	15-Jun-2021	Docket No.	2021-0770-PWS-E	PCW
Respondent	City of Dayton Lakes (PCW No. 1)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	60892			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101258473			
Media	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(e)(4)(A) and Tex. Health & Safety Code § 341.033(a)			
Violation Description	Failed to operate the Facility under the direct supervision of a water works operator who holds a Class "D" or higher license.			
		Base Penalty	\$5,000	

>> 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 operate the Facility under the direct supervision of an operator with the appropriate license may result in poor plant operation which could expose persons served by the Facility to contaminants which would exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events: 2 111 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,500

Two quarterly events are recommended, calculated from the date of the investigation, February 24, 2021 to the date of screening, June 15, 2021.

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 \$1,500

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$11,067 **Violation Final Penalty Total** \$1,770

This violation Final Assessed Penalty (adjusted for limits) \$1,770

Economic Benefit Worksheet

Respondent City of Dayton Lakes (PCW No. 1)
Case ID No. 60892
Reg. Ent. Reference No. RN101258473
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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)				0.00	\$0	n/a	\$0

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	\$36,192	24-Feb-2021	15-Jun-2021	0.30	\$61	\$11,006	\$11,067
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

The avoided cost includes the estimated amount to use an operator with a Class "D" or higher license, (\$17.40/hour, annualized), calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance \$11,006

TOTAL \$11,067

Screening Date 15-Jun-2021 **Docket No.** 2021-0770-PWS-E **PCW**
Respondent City of Dayton Lakes (PCW No. 1) *Policy Revision 5 (January 28, 2021)*
Case ID No. 60892 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101258473
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number
Rule Cite(s)

Violation Description
 Failed to provide a copy of the boil water notice ("BWN") to the Executive Director within 24 hours after issuance by the Facility and a signed Certificate of Delivery to the Executive Director within ten days after issuance of the BWN. Specifically, the Respondent indicated on March 4, 2021 that a BWN was issued, but a copy of the BWN and a signed Certificate of Delivery were not provided.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10.0%"/>

Matrix Notes:

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	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	<input type="text" value="x"/>	<input type="text"/>

Notes:

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Dayton Lakes (PCW No. 1)
Case ID No. 60892
Reg. Ent. Reference No. RN101258473
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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	\$25	5-Mar-2021	1-Apr-2023	2.07	\$3	n/a	\$3
Training/Sampling	\$45	7-Mar-2021	1-Apr-2023	2.07	\$5	n/a	\$5
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 record keeping system delayed cost includes the estimated amount to provide a copy of the BWN (\$25 per notification) and a signed Certificate of Delivery to the Executive Director, calculated from the date the copy of the BWN was due to the Executive Director to the estimated date of compliance.

The training/sampling delayed costs includes the estimated amount to develop and implement a written protocol that is to be followed to ensure that a copy of the BWNs are provided to the Executive Director within 24 hours after the issuance and that a signed Certificate of Delivery is provided to the Executive Director within ten days after issuance, calculated from the date the copy of the BWN was due 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 \$70

TOTAL \$8



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	20-Dec-2021	Screening	21-Dec-2021	EPA Due	31-Mar-2022
	PCW	2-Jun-2022				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Dayton Lakes (PCW No. 2)
Reg. Ent. Ref. No.	RN101258473
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	60892	No. of Violations	2
Docket No.	2021-0770-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Epifanio Villarreal
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$8,000
---	-------------------	----------------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	18.0% Adjustment	Subtotals 2, 3, & 7	\$1,440
---------------------------	-------------------------	--------------------------------	----------------

Notes: Enhancement for two NOVs with the same/similar violations and four NOVs with dissimilar violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
--------------------	----	-------------------------	-------------------	------------

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$750
--	-------------------	---------------

Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
-------------------------	--------------------------	-------------------	------------

Total EB Amounts: \$1,520
 Estimated Cost of Compliance: \$1,722
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$8,690
-----------------------------	-----------------------	----------------

OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
---	------------------------	------------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$8,690
-----------------------------	----------------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$8,690
-----------------------------------	-------------------------------	----------------

DEFERRAL	20.0% Reduction	Adjustment	-\$1,738
-----------------	------------------------	-------------------	-----------------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$6,952
------------------------	----------------

Screening Date 21-Dec-2021

Docket No. 2021-0770-PWS-E

PCW

Respondent City of Dayton Lakes (PCW No. 2)

Policy Revision 5 (January 28, 2021)

Case ID No. 60892

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101258473

Media Public Water Supply

Enf. Coordinator Epifanio Villarreal

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	4	8%
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>)	0	0%
	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>)	0	0%
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) 18%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with the same/similar violations and four NOVs with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 18%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 18%

Screening Date 21-Dec-2021

Docket No. 2021-0770-PWS-E

PCW

Respondent City of Dayton Lakes (PCW No. 2)

Policy Revision 5 (January 28, 2021)

Case ID No. 60892

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101258473

Media Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.107(c) and (e)

Violation Description

Failed to collect and report the results of synthetic organic chemical ("SOC") contaminants (SOC Group 5 and methods 504, 515, and 531) and volatile organic chemical ("VOC") contaminants sampling to the Executive Director for the second and third quarters of 2021.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to collect and report SOC and VOC contaminants samples could expose persons served by the Facility to undetected contaminants which would exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 10

437 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$7,500

Ten single events are recommended (one for each sample result).

Good Faith Efforts to Comply

10.0%

Reduction \$750

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		

Notes

The Respondent achieved compliance on January 14, 2022.

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,488

Violation Final Penalty Total \$8,100

This violation Final Assessed Penalty (adjusted for limits) \$8,100

Economic Benefit Worksheet

Respondent City of Dayton Lakes (PCW No. 2)
Case ID No. 60892
Reg. Ent. Reference No. RN101258473
Media Violation No. Public Water Supply
 1

Percent Interest	Years of Depreciation
5.0	15

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

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	\$100	6-Dec-2021	14-Jan-2022	0.11	\$1	n/a	\$1
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 training/sampling delayed cost includes the estimated amount to ensure that future drinking water chemical samples are collected, analyzed and results are released by the Facility's laboratories and reported to the Executive Director, calculated from the record review date 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	\$1,455	10-Jul-2021	21-Dec-2021	0.45	\$32	\$1,455	\$1,487
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to pay any outstanding lab fees (\$211.57 for SOC Group 5, \$77.94 for SOC contaminants method 504, \$322.65 for SOC contaminants method 515, \$58.72 for SOC contaminants method 531, and \$56.77 for VOC contaminants) x two samples) so that the lab will release all drinking water chemical analysis results, calculated from the date when sampling was required to the screening date.

Approx. Cost of Compliance \$1,555

TOTAL \$1,488

Screening Date 21-Dec-2021 **Docket No.** 2021-0770-PWS-E **PCW**
Respondent City of Dayton Lakes (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 60892 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101258473
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 290.110(e)(4)(A) and (f)(3)
Violation Description Failed to submit a Disinfection Level Quarterly Operating Report ("DLQOR") to the Executive Director by the tenth day of the month following the end of each quarter for the second quarter of 2021.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10.0%
	100% of the rule requirements were not met.				

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 1 164 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

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.

Violation Subtotal \$500

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$32 **Violation Final Penalty Total** \$590

This violation Final Assessed Penalty (adjusted for limits) \$590

Economic Benefit Worksheet

Respondent City of Dayton Lakes (PCW No. 2)
Case ID No. 60892
Reg. Ent. Reference No. RN101258473
Media Violation No. Public Water Supply
 2

Percent Interest	Years of Depreciation
5.0	15

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

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	\$45	6-Dec-2021	1-Apr-2023	1.32	\$3	n/a	\$3
Training/Sampling	\$100	6-Dec-2021	1-Apr-2023	1.32	\$7	n/a	\$7
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 record keeping and training/sampling delayed costs include the estimated amount to update the Facility's operational guidance and process procedures and to conduct employee training to ensure that the self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DLQORs, calculated from the record review 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	\$22	10-Jul-2021	21-Dec-2021	0.45	\$0	\$22	\$22
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and submit a DLQOR (\$22 per DLQOR x one report), calculated from the date the DLQOR was due to the screening date.

Approx. Cost of Compliance \$167

TOTAL \$32

Compliance History Report



Compliance History Report for CN600691539, RN101258473, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN600691539, City of Dayton Lakes **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN101258473, CITY OF DAYTON LAKES **Classification:** NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: COUNTY ROAD 2331, FIVE MILES OFF FARM-TO-MARKET ROAD 1008, NORTH OF KENEFICK, LIBERTY COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1460037

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: August 26, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 26, 2017 to August 26, 2022

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: EPIFANIO VILLARREAL **Phone:** (361) 881-6991

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.):
N/A

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: 08/31/2021 (1781256)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)

- Description: RTCR Routine MR Violation 07/2021 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.
- 2 Date: 09/30/2021 (1781256)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
 30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
 30 TAC Chapter 290, SubChapter F 290.109(g)(4)
 30 TAC Chapter 290, SubChapter F 290.109(g)(5)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
 Description: RTCR Routine MR Violation 08/2021 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.
- 3 Date: 10/13/2021 (1781256)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 2Q2021 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the second quarter of 2021 within the required timeline.
- 4 Date: 11/08/2021 (1781256)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
 30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
 30 TAC Chapter 290, SubChapter F 290.109(g)(4)
 30 TAC Chapter 290, SubChapter F 290.109(g)(5)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
 Description: RTCR Routine MR Violation 09/2021 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.
- 5 Date: 11/22/2021 (1781256)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
 30 TAC Chapter 290, SubChapter F 290.107(c)(1)
 30 TAC Chapter 290, SubChapter F 290.107(e)
 Description: SOC MR All Groups 3Q2021 - The system failed to monitor and/or report synthetic organic contaminants levels to the TCEQ for the quarterly monitoring period from 07/01/2021 to 09/30/2021 within the required timeline.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
 30 TAC Chapter 290, SubChapter F 290.107(c)(2)
 30 TAC Chapter 290, SubChapter F 290.107(e)
 Description: VOC MR 3Q2021 - The system failed to monitor and/or report volatile organic contaminants levels to the TCEQ for the quarterly monitoring period from 07/01/2021 to 09/30/2021 within the required timeline.
- 6 Date: 11/30/2021 (1781256)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
 30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
 30 TAC Chapter 290, SubChapter F 290.109(g)(4)
 30 TAC Chapter 290, SubChapter F 290.109(g)(5)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
 Description: RTCR Routine MR Violation 10/2021 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.

F. Environmental audits:

N/A

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
CITY OF DAYTON LAKES
RN101258473**

**§
§
§
§
§**

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2021-0770-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 the City of Dayton Lakes (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 on County Road 2331, five miles off Farm-to-Market Road 1008, north of Kenefick, Liberty County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 28 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(71).
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 \$12,820 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$316 of the penalty and \$2,564 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 of this Order.

The remaining amount of \$9,940 of the undeferred penalty shall be paid in 35 monthly payments of \$284 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in

full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and 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 the Respondent implemented the following corrective measures at the Facility:
 - a. By collecting the required number of volatile organic chemical ("VOC") contaminants samples, having the samples analyzed and reporting the results to the Executive Director by December 29, 2021; and
 - b. By collecting the required number of synthetic organic chemical ("SOC") contaminants (SOC Group 5 and methods 504, 515, and 531), having the samples analyzed and reporting the results to the Executive Director by January 14, 2022.

II. ALLEGATIONS

1. During an investigation at the Facility conducted on February 24, 2021 through March 19, 2021, an investigator documented that the Respondent:
 - a. Failed to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection, in violation of 30 TEX. ADMIN. CODE § 290.42(b)(1) and (e)(3).

- b. Failed to operate the Facility under the direct supervision of a water works operator who holds a Class "D" or higher license, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a).
 - c. Failed to provide a copy of the boil water notice ("BWN") to the Executive Director within 24 hours after issuance by the Facility and a signed Certificate of Delivery to the Executive Director within ten days after issuance of the BWN, in violation of 30 TEX. ADMIN. CODE § 290.46(q)(1). Specifically, the Respondent indicated on March 4, 2021 that a BWN was issued, but a copy of the BWN and a signed Certificate of Delivery were not provided.
2. During a record review for the Facility conducted on December 6, 2021 through December 17, 2021, an investigator documented that the Respondent:
- a. Failed to collect and report the results of SOC contaminants (SOC Group 5 and methods 504, 515, and 531) and VOC contaminants sampling to the Executive Director for the second and third quarters of 2021, in violation of 30 TEX. ADMIN. CODE § 290.107 (c) and (e).
 - b. Failed to submit a Disinfection Level Quarterly Operating Report ("DLQOR") to the Executive Director by the tenth day of the month following the end of each quarter for the second quarter of 2021, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3).

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: City of Dayton Lakes, Docket No. 2021-0770-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. Provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection, in accordance with 30 TEX. ADMIN. CODE § 290.42;
 - ii. Update operational guidance and conduct employee training to ensure that copies of BWNs and a signed certificate of delivery are provided to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - iii. Provide a copy of the BWN, accompanied with a signed Certificate of Delivery, to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - iv. Begin operating the Facility under the direct supervision of a water works operator who holds a minimum of a Class "D" or higher license, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - v. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.110.
- b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.d below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i through 2.a.v.
- c. Within 90 days after the effective date of this Order, begin submitting DLQORs to the Executive Director by the tenth day of the month following the end of each quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110. The provision will be satisfied upon one quarter of compliant reporting. DLQORs shall be submitted to:

DLQOR Coordinator
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- d. 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 No. 2.c. 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
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

and 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. 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

7/25/2023

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 Attorney General's Office 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 Attorney General's Office 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.



Signature

5-7-23
Date

Amanda Jackson

Name (Printed or typed)
Authorized Representative of
City of Dayton Lakes

Secretary
Title

If mailing address has changed, please check this box and provide the new address below: