

**Executive Summary – Enforcement Matter – Case No. 61187**

**City of Dallas**

**RN100762590**

**Docket No. 2021-1093-MWD-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

**Media:**

MWD

**Small Business:**

No

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

City of Dallas Southside WWTP, 10011 Log Cabin Road, Dallas, Dallas County

**Type of Operation:**

Wastewater treatment plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** July 1, 2022

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$9,625

**Total Paid to General Revenue:** \$9,625

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - High

**Major Source:** No

**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:** July 27, 2021

**Date(s) of NOE(s):** August 5, 2021

**Executive Summary – Enforcement Matter – Case No. 61187**

**City of Dallas**

**RN100762590**

**Docket No. 2021-1093-MWD-E**

***Violation Information***

Failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010060006, Permit Conditions No. 2.g].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures by June 5, 2021:

- a. Ceasing the discharge;
- b. Closing gates and valves at the linear lake;
- c. Setting up bypass pumping and air compressors to aerate impacted areas of the lake;
- d. Placing sandbags at the upstream manhole;
- e. Building a cofferdam to contain the 18-inch residential mainline break; and
- f. Repairing the 60-inch gravity line and the 18-inch residential mainline.

**Technical Requirements:**

N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Cheryl Thompson, Enforcement Division, Enforcement Team 1, MC R-04, (817) 588-5886; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** The Honorable Eric Johnson, Mayor, City of Dallas, 1500 Marilla Street, Room 5 DS, Dallas, Texas 75201-6318

Zachary Peoples, Water Utilities Assistant Director, City of Dallas, 1500 Marilla Street, Room 4A North, Dallas, Texas 75201-6318

**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>	9-Aug-2021			
	<b>PCW</b>	16-Aug-2021	<b>Screening</b>	16-Aug-2021	<b>EPA Due</b>

<b>RESPONDENT/FACILITY INFORMATION</b>					
<b>Respondent</b>	City of Dallas				
<b>Reg. Ent. Ref. No.</b>	RN100762590				
<b>Facility/Site Region</b>	4-Dallas/Fort Worth	<b>Major/Minor Source</b>	Minor		

<b>CASE INFORMATION</b>					
<b>Enf./Case ID No.</b>	61187	<b>No. of Violations</b>	1		
<b>Docket No.</b>	2021-1093-MWD-E	<b>Order Type</b>	Findings		
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes		
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Cheryl Thompson		
		<b>EC's Team</b>	Enforcement Team 1		
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000		

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$12,500
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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>	2.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$250
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<b>Notes</b>	Enhancement for one NOV with dissimilar violations.
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<b>Culpability</b>	No	0.0%	Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$3,125
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$27	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$25,000	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$9,625
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
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<b>Final Penalty Amount</b>	\$9,625
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$9,625
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<b>DEFERRAL</b>	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	No deferral is recommended for Findings Orders.
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<b>PAYABLE PENALTY</b>	\$9,625
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**Screening Date** 16-Aug-2021

**Docket No.** 2021-1093-MWD-E

**PCW**

**Respondent** City of Dallas

Policy Revision 5 (January 28, 2021)

**Case ID No.** 61187

PCW Revision February 11, 2021

**Reg. Ent. Reference No.** RN100762590

**Media** Water Quality

**Enf. Coordinator** Cheryl Thompson

### 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> )	0	0%
	Other written NOVs	1	2%
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)** 2%

#### >> Repeat Violator (Subtotal 3)

No

**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 one NOV with dissimilar violations.

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

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 2%

<b>Screening Date</b>	16-Aug-2021	<b>Docket No.</b>	2021-1093-MWD-E	<b>PCW</b>
<b>Respondent</b>	City of Dallas			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	61187			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN100762590			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Cheryl Thompson			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

<b>OR</b>	<b>Harm</b>				<b>Percent</b> <input type="text" value="50.0%"/>
		Major	Moderate	Minor	
	<b>Release</b>	Actual	Potential	Potential	
	x				

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	<b>Percent</b> <input type="text" value="0.0%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

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

**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 Dallas  
**Case ID No.** 61187  
**Reg. Ent. Reference No.** RN100762590  
**Media** Water Quality  
**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)				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	\$25,000	28-May-2021	5-Jun-2021	0.02	\$27	n/a	\$27
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated Remediation/Disposal cost to cease the discharge, close gates and valves at the linear lake, set up bypass pumping and air compressors to aerate impacted areas of the lake, measure dissolved oxygen levels at various locations, place sandbags at the upstream manhole, build a cofferdam to contain the 18-inch residential mainline break, and begin repairs on the 60-inch gravity line and the 18-inch residential mainline. The Date Required is the date of the unauthorized discharge, and the Final Date is 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				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$25,000

**TOTAL**

\$27

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

Compliance History Report for CN600331730, RN100762590, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

**Customer, Respondent, or Owner/Operator:** CN600331730, City of Dallas **Classification:** SATISFACTORY **Rating:** 4.72

**Regulated Entity:** RN100762590, CITY OF DALLAS SOUTHSIDE WWTP **Classification:** HIGH **Rating:** 0.05

**Complexity Points:** 13 **Repeat Violator:** NO

**CH Group:** 08 - Sewage Treatment Facilities

**Location:** 10011 Log Cabin Road, Dallas, Dallas County, Texas

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

**ID Number(s):**

**AIR QUALITY NON PERMITTED ID NUMBER**  
R04104773122

**AIR NEW SOURCE PERMITS REGISTRATION** 79027

**STORMWATER PERMIT** TXR1521DB

**WASTEWATER EPA ID** TX0047848

**TAX RELIEF ID NUMBER** 16079

**AIR NEW SOURCE PERMITS ACCOUNT NUMBER** DB2745W

**PETROLEUM STORAGE TANK REGISTRATION**  
REGISTRATION 5104

**WASTEWATER PERMIT** WQ0010060006

**WASTEWATER AUTHORIZATION** R10060006

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

**Date Compliance History Report Prepared:** March 21, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** March 21, 2017 to March 21, 2022

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

**Name:** Cheryl Thompson

**Phone:** (817) 588-5865

**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.):**

Item 1	April 18, 2017	(1418204)	Item 7	October 17, 2017	(1456555)
Item 2	May 12, 2017	(1425793)	Item 8	November 14, 2017	(1462021)
Item 3	June 12, 2017	(1431836)	Item 9	December 14, 2017	(1468405)
Item 4	July 18, 2017	(1440413)	Item 10	January 16, 2018	(1475104)
Item 5	September 14, 2017	(1450698)	Item 11	February 15, 2018	(1487320)
Item 6	September 26, 2017	(1444094)	Item 12	March 13, 2018	(1490995)

Item 13	April 16, 2018	(1494241)	Item 35	May 13, 2020	(1660665)
Item 14	May 16, 2018	(1501191)	Item 36	June 16, 2020	(1667185)
Item 15	June 15, 2018	(1508278)	Item 37	July 13, 2020	(1674137)
Item 16	July 16, 2018	(1496925)	Item 38	August 14, 2020	(1680910)
Item 17	September 18, 2018	(1520666)	Item 39	September 14, 2020	(1687481)
Item 18	October 17, 2018	(1534191)	Item 40	October 14, 2020	(1693820)
Item 19	November 15, 2018	(1542025)	Item 41	November 17, 2020	(1714149)
Item 20	December 17, 2018	(1545796)	Item 42	December 16, 2020	(1714150)
Item 21	February 14, 2019	(1561390)	Item 43	January 13, 2021	(1714151)
Item 22	March 14, 2019	(1561391)	Item 44	February 19, 2021	(1727215)
Item 23	April 12, 2019	(1551877)	Item 45	March 17, 2021	(1727216)
Item 24	April 17, 2019	(1572394)	Item 46	April 16, 2021	(1727217)
Item 25	May 15, 2019	(1593734)	Item 47	May 14, 2021	(1740907)
Item 26	May 16, 2019	(1584400)	Item 48	June 16, 2021	(1740908)
Item 27	June 17, 2019	(1584401)	Item 49	July 16, 2021	(1752266)
Item 28	September 16, 2019	(1606963)	Item 50	August 18, 2021	(1757715)
Item 29	October 17, 2019	(1613810)	Item 51	September 16, 2021	(1766902)
Item 30	November 12, 2019	(1619621)	Item 52	October 18, 2021	(1777396)
Item 31	December 16, 2019	(1626975)	Item 53	November 16, 2021	(1784193)
Item 32	February 15, 2020	(1641229)	Item 54	December 17, 2021	(1791222)
Item 33	March 16, 2020	(1647744)	Item 55	January 14, 2022	(1799006)
Item 34	April 15, 2020	(1654093)			

**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: 05/10/2021 (1705297)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 217, SubChapter M 217.330(b)  
 30 TAC Chapter 305, SubChapter F 305.125(5)  
 Description: Failure to properly maintain the reduced-pressure principal backflow prevention assembly (RPBA). Specifically, an RBPA (S/N 165418) for heating water makeup in Bldg. No. 5 failed during testing performed on July 28, 2020, because it was leaking, but was not repaired, retested, and recertified until after the investigation.

**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





Item 9*	November 14, 2017**	(1462021) For Informational Purposes Only
Item 10*	December 14, 2017**	(1468405) For Informational Purposes Only
Item 11*	January 16, 2018**	(1475104) For Informational Purposes Only
Item 12*	February 15, 2018**	(1487320) For Informational Purposes Only
Item 13*	March 13, 2018**	(1490995) For Informational Purposes Only
Item 14*	April 16, 2018**	(1494241) For Informational Purposes Only
Item 15*	May 16, 2018**	(1501191) For Informational Purposes Only
Item 16*	June 15, 2018**	(1508278) For Informational Purposes Only
Item 17*	July 16, 2018**	(1496925) For Informational Purposes Only
Item 18*	September 18, 2018**	(1520666) For Informational Purposes Only
Item 19*	October 17, 2018**	(1534191) For Informational Purposes Only
Item 20*	November 15, 2018**	(1542025) For Informational Purposes Only
Item 21*	December 17, 2018**	(1545796) For Informational Purposes Only
Item 22*	February 14, 2019**	(1561390) For Informational Purposes Only
Item 23*	March 14, 2019**	(1561391) For Informational Purposes Only
Item 24*	April 12, 2019**	(1551877) For Informational Purposes Only
Item 25*	April 17, 2019**	(1572394) For Informational Purposes Only
Item 26*	May 15, 2019**	(1593734) For Informational Purposes Only
Item 27*	May 16, 2019**	(1584400) For Informational Purposes Only
Item 28*	June 17, 2019**	(1584401) For Informational Purposes Only
Item 29	August 15, 2019**	(1600062) For Informational Purposes Only

		(1606963)
Item 30*	September 16, 2019**	For Informational Purposes Only
		(1613810)
Item 31*	October 17, 2019**	For Informational Purposes Only
		(1619621)
Item 32*	November 12, 2019**	For Informational Purposes Only
		(1626975)
Item 33*	December 16, 2019**	For Informational Purposes Only
		(1641229)
Item 34*	February 15, 2020**	For Informational Purposes Only
		(1647744)
Item 35*	March 16, 2020**	For Informational Purposes Only
		(1654093)
Item 36*	April 15, 2020**	For Informational Purposes Only
		(1660665)
Item 37*	May 13, 2020**	For Informational Purposes Only
		(1667185)
Item 38*	June 16, 2020**	For Informational Purposes Only
		(1674137)
Item 39*	July 13, 2020**	For Informational Purposes Only
		(1680910)
Item 40*	August 14, 2020**	For Informational Purposes Only
		(1687481)
Item 41*	September 14, 2020**	For Informational Purposes Only
		(1693820)
Item 42*	October 14, 2020**	For Informational Purposes Only
		(1714149)
Item 43*	November 17, 2020**	For Informational Purposes Only
		(1714150)
Item 44*	December 16, 2020**	For Informational Purposes Only
		(1714151)
Item 45*	January 13, 2021**	For Informational Purposes Only
		(1727215)
Item 46*	February 19, 2021**	For Informational Purposes Only
		(1727216)
Item 47*	March 17, 2021**	For Informational Purposes Only
		(1727217)
Item 48*	April 16, 2021**	For Informational Purposes Only
		(1705297)
Item 49	May 03, 2021**	For Informational Purposes Only
		(1740907)

Item 50*	May 14, 2021**	For Informational Purposes Only (1740908)
Item 51*	June 16, 2021**	For Informational Purposes Only (1752266)
Item 52*	July 16, 2021**	For Informational Purposes Only (1746187)
Item 53	August 02, 2021**	For Informational Purposes Only (1757715)
Item 54*	August 18, 2021**	For Informational Purposes Only (1766902)
Item 55*	September 16, 2021	For Informational Purposes Only (1777396)
Item 56*	October 18, 2021	For Informational Purposes Only (1784193)
Item 57*	November 16, 2021	For Informational Purposes Only (1791222)
Item 58*	December 17, 2021	For Informational Purposes Only (1799006)
Item 59*	January 14, 2022	For Informational Purposes Only

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2016 and 08/31/2021.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF DALLAS  
RN100762590**

**§  
§  
§  
§  
§**

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2021-1093-MWD-E**

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 Dallas (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. 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 wastewater treatment facility located at 10011 Log Cabin Road in Dallas, Dallas County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. During a record review conducted on July 27, 2021, an investigator documented that on May 28, 2021, approximately 30,850 gallons of raw sewage discharged from the City of Dallas Southside Wastewater Treatment Plant located at 10011 Log Cabin Road; a blockage of the 60-inch gravity line prior to the headworks caused a sanitary sewer overflow ("SSO") at an upstream manhole and a line break of an 18-inch residential mainline. The SSO accumulated around the manhole and entered an adjacent on-channel linear lake, resulting in a fish kill of approximately 350 fish.
3. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility by June 5, 2021:
  - a. By ceasing the discharge;

- b. By closing gates and valves at the linear lake;
- c. By setting up bypass pumping and air compressors to aerate impacted areas of the lake;
- d. By placing sandbags at the upstream manhole;
- e. By building a cofferdam to contain the 18-inch residential mainline break;
- f. By repairing the 60-inch gravity line and the 18-inch residential mainline.

## **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. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System Permit No. WQ0010060006, Permit Conditions No. 2.g.
3. Pursuant to TEX. WATER CODE § 7.051, 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.
4. An administrative penalty in the amount of \$9,625 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid the \$9,625 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. 4 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: City of Dallas, Docket No. 2021-1093-MWD-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. All relief not expressly granted in this Order is denied.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.

9. 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



10/24/2022

\_\_\_\_\_  
For the Executive Director

\_\_\_\_\_  
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

\_\_\_\_\_  
Date

Zachary Peoples

5/27/22  
ASSISTANT DIRECTOR

\_\_\_\_\_  
Name (Printed or typed)

\_\_\_\_\_  
Title

Authorized Representative of  
City of Dallas

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.