

Executive Summary – Enforcement Matter – Case No. 65189
Dunadan Properties, LLC
RN105596902
Docket No. 2024-0008-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three repeated enforcement actions (or two orders with nuisance violations) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Highland Meadows, 201-217 Joyce Street, Weatherford, Parker 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: September 13, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$6,955

Amount Deferred for Expedited Settlement: \$2,675

Total Paid to General Revenue: \$150

Total Due to General Revenue: \$4,130

Payment Plan: 35 payments of \$118 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): N/A

Complaint Information: N/A

Date(s) of Investigation: December 4, 2023 through December 15, 2023

Date(s) of NOE(s): December 15, 2023

Executive Summary – Enforcement Matter – Case No. 65189
Dunadan Properties, LLC
RN105596902
Docket No. 2024-0008-PWS-E

Violation Information

1. Failed to comply with the maximum contaminant level ("MCL") of 5 picoCuries per liter ("pCi/L") for combined radium-226 and radium-228, and 15 pCi/L for gross alpha particle activity based on the running annual average [30 TEX. ADMIN. CODE § 290.108(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
2. Failed to provide the results of radionuclides sampling to the Executive Director [30 TEX. ADMIN. CODE § 290.108(e)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By February 23, 2024, submitted all required delinquent drinking water chemical analysis results for radionuclides; and
- b. By March 15, 2024, returned to compliance with the MCL for gross alpha particle activity and the MCL for combined radium-226 and radium-228.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Taner Hengst, Enforcement Division, Enforcement Team 5, MC 219, (512) 239-1143; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Michael Hayworth, Owner, Dunadan Properties, LLC, 909 South Sylvania Avenue, Fort Worth, Texas 76111

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	18-Dec-2023	Screening	22-Dec-2023	EPA Due	31-Dec-2023
	PCW	19-Dec-2023				

RESPONDENT/FACILITY INFORMATION

Respondent	Dunadan Properties, LLC (PCW No. 1 of 2)				
Reg. Ent. Ref. No.	RN105596902				
Facility/Site Region	4-Dallas/Fort Worth		Major/Minor Source	Minor	

CASE INFORMATION

Enf./Case ID No.	65189	No. of Violations	1
Docket No.	2024-0008-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Taner Hengst
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,500
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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.

Compliance History	17.0%	Adjustment	Subtotals 2, 3, & 7	\$425
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Notes: Enhancement for three NOVs with same/similar violations and one NOV with dissimilar violations.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$250
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$3,376
Estimated Cost of Compliance: \$40,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,675
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$2,675
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,675
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DEFERRAL	100.0%	Reduction	Adjustment	-\$2,675
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

The Executive Director recommends a conditional deferral for naturally occurring constituents.

PAYABLE PENALTY	\$0
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Screening Date	22-Dec-2023	Docket No.	2024-0008-PWS-E	PCW
Respondent	Dunadan Properties, LLC (PCW No. 1 of 2)			Policy Revision 5 (January 28, 2021)
Case ID No.	65189			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN105596902			
Media	Public Water Supply			
Enf. Coordinator	Taner Hengst			

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>)	3	15%
	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) 17%

>> 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 three NOVs with same/similar violations and one NOV with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 17%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 17%

Screening Date	22-Dec-2023	Docket No.	2024-0008-PWS-E	PCW
Respondent	Dunadan Properties, LLC (PCW No. 1 of 2)			Policy Revision 5 (January 28, 2021)
Case ID No.	65189			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN105596902			
Media	Public Water Supply			
Enf. Coordinator	Taner Hengst			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 290.108(f)(1) and Tex. Health & Safety Code § 341.0315(c)			
Violation Description	Failed to comply with the maximum contaminant level ("MCL") of 5 picoCuries per liter ("pCi/L") for combined radium-226 and radium-228, and 15 pCi/L for gross alpha particle activity based on the running annual average. Specifically, the running annual average concentrations of combined radium-226 and radium-228 were 6 pCi/L for the fourth quarter of 2022 and 6 pCi/L for the third quarter of 2023, and for gross alpha particle activity was 16 pCi/L for the fourth quarter of 2022.			
		Base Penalty	\$5,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Major	Harm Moderate	Minor
	Actual		x	
	Potential			
			Percent	25.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
			Percent	0.0%
Matrix Notes	Exceeding the MCL for combined radium-226 and radium-228 and for gross alpha particle activity caused persons served by the Facility to be exposed to a significant amount of contaminants which do not exceed levels protective of human health.			
		Adjustment	\$3,750	
			\$1,250	
Violation Events				
	Number of Violation Events	2	364	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual	x		
	single event			
		Violation Base Penalty \$2,500		
	Two annual events are recommended (one for each constituent).			
Good Faith Efforts to Comply				
		10.0%	Reduction	\$250
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary			
	Ordinary		x	
	N/A			
	Notes	The Respondent achieved compliance on March 15, 2024.		
		Violation Subtotal	\$2,250	
Economic Benefit (EB) for this violation				
	Statutory Limit Test			
	Estimated EB Amount	\$3,376	Violation Final Penalty Total	\$2,675
	This violation Final Assessed Penalty (adjusted for limits)			\$2,675

Economic Benefit Worksheet

Respondent Dunadan Properties, LLC (PCW No. 1 of 2)
Case ID No. 65189
Reg. Ent. Reference No. RN105596902
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
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$40,000	31-Dec-2022	15-Mar-2024	1.21	\$161	\$3,215	\$3,376
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 investigate, identify, and implement the necessary corrective actions to return to compliance with the MCL for combined radium-226 and radium-228 and gross alpha particle activity, calculated from the last day of the first quarter of noncompliance 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				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$40,000

TOTAL

\$3,376



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	18-Dec-2023	Screening	22-Dec-2023	EPA Due	31-Dec-2023
	PCW	19-Dec-2023				

RESPONDENT/FACILITY INFORMATION

Respondent	Dunadan Properties, LLC (PCW No. 2 of 2)				
Reg. Ent. Ref. No.	RN105596902				
Facility/Site Region	4-Dallas/Fort Worth		Major/Minor Source	Minor	

CASE INFORMATION

Enf./Case ID No.	65189	No. of Violations	2
Docket No.	2024-0008-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Taner Hengst
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$4,000
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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.

Compliance History	17.0%	Adjustment	Subtotals 2, 3, & 7	\$680
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Notes	Enhancement for three NOVs with same/similar violations and one NOV with dissimilar violations.			
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.				
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$400
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$129	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$2,302	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$4,280
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes				
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Final Penalty Amount	\$4,280
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$4,280
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.			
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PAYABLE PENALTY	\$4,280
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Screening Date	22-Dec-2023	Docket No.	2024-0008-PWS-E	PCW
Respondent	Dunadan Properties, LLC (PCW No. 2 of 2)			Policy Revision 5 (January 28, 2021)
Case ID No.	65189			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN105596902			
Media	Public Water Supply			
Enf. Coordinator	Taner Hengst			

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>)	3	15%
	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) 17%

>> 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 three NOVs with same/similar violations and one NOV with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 17%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 17%

Screening Date

22-Dec-2023

Docket No.

2024-0008-PWS-E

PCW

Respondent

Dunadan Properties, LLC (PCW No. 2 of 2)

Case ID No.

65189

Reg. Ent. Reference No.

RN105596902

Media

Public Water Supply

Enf. Coordinator

Taner Hengst

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code § 290.108(e)

Violation Description

Failed to provide the results of radionuclides sampling to the Executive Director from Entry Point Nos. 1 and 3 for the fourth quarter of 2022 and the first quarter of 2023, and from Entry Point Nos. 1, 2, and 3 for the second quarter of 2023.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

Percent

0.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

x

Percent

10.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment

\$4,500

\$500

Violation Events

Number of Violation Events

7

346

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty

\$3,500

Seven single events are recommended (one event per missed sample).

Good Faith Efforts to Comply

10.0%

Reduction

\$350

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

x

N/A

Notes

The Respondent achieved compliance on February 23, 2024.

Violation Subtotal

\$3,150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$113

Violation Final Penalty Total

\$3,745

This violation Final Assessed Penalty (adjusted for limits)

\$3,745

Economic Benefit Worksheet

Respondent Dunadan Properties, LLC (PCW No. 2 of 2)
Case ID No. 65189
Reg. Ent. Reference No. RN105596902
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
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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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,014	10-Jan-2023	23-Feb-2024	1.12	\$113	n/a	\$113

Notes for DELAYED costs

The Other (as needed) cost includes the estimated amount to pay any outstanding lab fees (\$287.73 for radionuclides x 7 samples) so that the lab will release all drinking water chemical analysis results, calculated from the date the sampling results were due for the earliest monitoring period 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				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,014

TOTAL

\$113

Screening Date	22-Dec-2023	Docket No.	2024-0008-PWS-E	PCW
Respondent	Dunadan Properties, LLC (PCW No. 2 of 2)			
Case ID No.	65189	Policy Revision 5 (January 28, 2021)		
Reg. Ent. Reference No.	RN105596902	PCW Revision February 11, 2021		
Media	Public Water Supply			
Enf. Coordinator	Taner Hengst			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 290.108(e)			
Violation Description	Failed to provide the results of radionuclides sampling to the Executive Director from Entry Point No. 2 for the January 1, 2020 through December 31, 2022 monitoring period.			
Base Penalty				\$5,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> Programmatic Matrix

OR		Harm			
	Falsification	Major	Moderate	Minor	
		x			Percent 10.0%

Matrix Notes	100% of the rule requirements were not met.
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Adjustment	\$4,500
\$500	

Violation Events

Number of Violation Events	1	Number of violation days	346
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	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

One single event is recommended.	
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Good Faith Efforts to Comply

	10.0%	
	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		
Notes	The Respondent achieved compliance on February 23, 2024.	
Violation Subtotal		\$450

Economic Benefit (EB) for this violation

Estimated EB Amount	\$16	Statutory Limit Test
Violation Final Penalty Total		\$535
This violation Final Assessed Penalty (adjusted for limits)		\$535

Economic Benefit Worksheet

Respondent Dunadan Properties, LLC (PCW No. 2 of 2)
Case ID No. 65189
Reg. Ent. Reference No. RN105596902
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
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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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$288	10-Jan-2023	23-Feb-2024	1.12	\$16	n/a	\$16

Notes for DELAYED costs

The Other (as needed) cost includes the estimated amount to pay any outstanding lab fees (\$287.73 for radionuclides x one sample) so that the lab will release all drinking water chemical analysis results, calculated from the date the sampling results were due 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				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$288

TOTAL

\$16



Compliance History Report

Compliance History Report for CN606053833, RN105596902, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN606053833, Dunadan Properties, LLC **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN105596902, HIGHLAND MEADOWS **Classification:** NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: 201-217 JOYCE STREET, WEATHERFORD, PARKER COUNTY, TX

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
1840172

Compliance History Period: September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

Date Compliance History Report Prepared: June 14, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 14, 2019 to June 14, 2024

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Taner Hengst **Phone:** (512) 239-1143

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? YES
- 3) Who is the current owner/operator? Dunadan Properties, LLC OWNER since 6/30/2022
- 4) Who was/were the prior owner(s)/operator(s)? Whm Apartments LLC, OWNER, 12/4/2019 to 6/29/2022
MCGEHEE, CLARK JOSEPH, OWNER, 8/1/2018 to 12/3/2019

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: 08/28/2023 (1945548)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)

30 TAC Chapter 290, SubChapter F 290.108(e)
30 TAC Chapter 290, SubChapter F 290.108(f)(3)
30 TAC Chapter 290, SubChapter F 290.108(f)(4)

Description: RAD MR 1Q2023 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 01/01/2023 to 03/31/2023 within the required timeline. ETT Point Value = 1; SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 03/28/2023

2 Date: 11/29/2023 (1945548)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.108(F)(1)
Description: COMB RAD MCL 3Q2023 - During the 3rd quarter of 2023 the system violated the maximum contaminant level for combined radium 226 and 228 with a RAA of 6 pCi/L. ETT Point Value = 5

3 Date: 12/06/2023 (1945548)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.108(e)
30 TAC Chapter 290, SubChapter F 290.108(f)(3)
30 TAC Chapter 290, SubChapter F 290.108(f)(4)
Description: RAD MR 2Q2023 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 04/01/2023 to 06/30/2023 within the required timeline. ETT Point Value = 1; SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 06/05/2023

4 Date: 03/22/2024 (1965984)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
Description: Failure to maintain a disinfectant residual of at least 0.2 milligrams per liter (mg/L) free chlorine throughout the distribution system.

B18.c(7), Moderate
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iv)
Description: Failure to submit requested compliance documentation.
EIC: B(3) MOD(2)(B)

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

Appendix A

All NOV's Issued During Component Period 6/14/2019 and 6/14/2024

Page 3

- | | | | | | |
|---|--------------|---|-----------|-----------------|----------|
| 6 | Date: | 11/29/2023 | (1945548) | | |
| | Self Report? | NO | | Classification: | Moderate |
| | Citation: | 30 TAC Chapter 290, SubChapter F 290.108(f)(1) | | | |
| | Description: | COMB RAD MCL 3Q2023 - During the 3rd quarter of 2023 the system violated the maximum contaminant level for combined radium 226 and 228 with a RAA of 6 pCi/L. ETT Point Value = 5 | | | |
| 7 | Date: | 12/06/2023 | (1945548) | | |
| | Self Report? | NO | | Classification: | Moderate |
| | Citation: | 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.108(e)
30 TAC Chapter 290, SubChapter F 290.108(f)(3)
30 TAC Chapter 290, SubChapter F 290.108(f)(4) | | | |
| | Description: | RAD MR 2Q2023 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 04/01/2023 to 06/30/2023 within the required timeline. ETT Point Value = 1; SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 06/05/2023 | | | |
| 8 | Date: | 03/22/2024 | (1965984) | | |
| | Self Report? | NO | | Classification: | Moderate |
| | Citation: | 30 TAC Chapter 290, SubChapter F 290.110(b)(4) | | | |
| | Description: | Failure to maintain a disinfectant residual of at least 0.2 milligrams per liter (mg/L) free chlorine throughout the distribution system. | | | |
| | | B18.c(7), Moderate | | | |
| | Self Report? | NO | | Classification: | Moderate |
| | Citation: | 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iv) | | | |
| | Description: | Failure to submit requested compliance documentation. | | | |
| | | EIC: B(3) MOD(2)(B) | | | |

* NOV's applicable for the Compliance History rating period 9/1/2018 to 8/31/2023

Appendix B

All Investigations Conducted During Component Period June 14, 2019 and June 14, 2024

Item 1	July 12, 2021**	(1724404)
Item 2	January 05, 2022**	(1782523)
Item 3	August 30, 2022**	(1838584)
Item 4	December 13, 2023	(1945548)
Item 5	December 15, 2023	(1945666)
Item 6	March 19, 2024	(1965984)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2018 and 08/31/2023.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
DUNADAN PROPERTIES, LLC
RN105596902

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2024-0008-PWS-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Dunadan Properties, LLC (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 presented this Order to the Commission.

The Respondent understands that they have 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 public water supply located at 201-217 Joyce Street in Weatherford, Parker County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 16 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(73).
2. During a record review for the Facility conducted on December 4, 2023 through December 15, 2023, an investigator documented that:
 - a. The running annual average concentrations of combined radium-226 and radium-228 were 6 picoCuries per liter ("pCi/L") for the fourth quarter of 2022, and 6 pCi/L for the third quarter of 2023, and for gross alpha particle activity was 16 pCi/L for the fourth quarter of 2022.
 - b. The Respondent did not provide the results of radionuclides sampling to the Executive Director from Entry Point Nos. 1 and 3 for the fourth quarter of 2022 and the first quarter of 2023, and from Entry Point Nos. 1, 2, and 3 for the second quarter of 2023.

- c. The Respondent did not provide the results of radionuclides sampling to the Executive Director from Entry Point No. 2 for the January 1, 2020 through December 31, 2022 monitoring period.
3. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. By February 23, 2024, submitted all required delinquent drinking water chemical analysis results for radionuclides; and
 - b. By March 15, 2024, returned to compliance with the maximum contaminant level ("MCL") for gross alpha particle activity and the MCL for combined radium-226 and radium-228.

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. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to comply with the MCL of 5 pCi/L for combined radium-226 and radium-228, and 15 pCi/L for gross alpha particle activity based on the running annual average, in violation of 30 TEX. ADMIN. CODE § 290.108(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. As evidenced by Finding of Fact Nos. 2.b and 2.c, the Respondent failed to provide the results of radionuclides sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.108(e).
4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), 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.
5. An administrative penalty in the amount of \$6,955 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent paid \$150 of the penalty. The TCEQ has determined that Conclusion of Law No. 2 of this Order qualifies for 100% deferral. Therefore, the amount of \$2,675 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 contained in this Order.

The remaining amount of \$4,130 of the undeferred penalty shall be paid in 35 monthly payments of \$118 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.

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. 5 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: Dunadan Properties, LLC, Docket No. 2024-0008-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, TX 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



For the Executive Director

9/18/2024

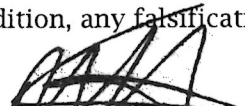
Date

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 OAG 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 OAG 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

8/09/2024

Date

MICHAEL HAYWORTH

Name (Printed or typed)
Authorized Representative of
Dunadan Properties, LLC

OWNER

Title

☐ 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.