Executive Summary – Enforcement Matter – Case No. 65522
City of Dublin
RN101178044
Docket No. 2024-0283-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:
No
Location(s) Where Violation(s) Occurred:
City of Dublin, 610 West Mesquite Street, Dublin, Erath 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: October 18, 2024
Comments Received: No

Penalty Information

Total Penalty Assessed: $5,350
Amount Deferred for Disinfection Byproducts for Eligible Systems: $5,350
Total Paid to General Revenue: $0
Total Due to General Revenue: $0
Payment Plan: N/A
Compliance History Classifications:
Person/CN - Satisfactory
Site/RN - N/A
Major Source: Yes
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: January 29, 2024
Date(s) of NOE(s): February 9, 2024

Executive Summary – Enforcement Matter – Case No. 65522
City of Dublin
RN101178044
Docket No. 2024-0283-PWS-E

Violation Information

Failed to comply with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes based on the locational running annual average [30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

a. Within 365 days, return to compliance with the maximum contaminant level for total trihalomethanes based on the locational running annual average; and

b. Within 380 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Miles Caston, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-4593; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548
Respondent: The Honorable David Leatherwood, Mayor, City of Dublin, 213 East Blackjack Street, Dublin, Texas 76446
Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021) — *PCW Revision February 11, 2021*

DATES						
Assigned	15-Feb-2024					
PCW	24-Jun-2024	**Screening**	15-Feb-2024	**EPA Due**	31-Mar-2024	

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Dublin		
Reg. Ent. Ref. No.	RN101178044		
Facility/Site Region	4-Dallas/Fort Worth	**Major/Minor Source**	Major

CASE INFORMATION			
Enf./Case ID No.	65522	**No. of Violations**	1
Docket No.	2024-0283-PWS-E	**Order Type**	Findings
Media Program(s)	Public Water Supply	**Government/Non-Profit**	Yes
Multi-Media		**Enf. Coordinator**	Miles Caston
		EC's Team	Enforcement Team 4
Admin. Penalty $ Limit Minimum	$50	**Maximum**	$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — ***Subtotal 1*** **$5,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — **7.0%** Adjustment — ***Subtotals 2, 3, & 7*** **$350**

Notes: Enhancement for one NOV with the same/similar violations and one NOV 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: $15,150
Estimated Cost of Compliance: $100,000
**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — ***Final Subtotal*** **$5,350**

OTHER FACTORS AS JUSTICE MAY REQUIRE — **0.0%** — ***Adjustment*** **$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **$5,350**

STATUTORY LIMIT ADJUSTMENT — ***Final Assessed Penalty*** **$5,350**

DEFERRAL — **100.0%** Reduction — ***Adjustment*** **-$5,350**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: The Executive Director recommends a conditional deferral for disinfection byproducts.

PAYABLE PENALTY **$0**

Screening Date	15-Feb-2024	**Docket No.**	2024-0283-PWS-E	**PCW**
Respondent	City of Dublin			*Policy Revision 5 (January 28, 2021)*
Case ID No.	65522			*PCW Revision February 11, 2021*
Reg. Ent. Reference No.	RN101178044			
Media	Public Water Supply			
Enf. Coordinator	Miles Caston			

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 (*number of NOVs meeting criteria*)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	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 (*number of judgments or consent decrees meeting criteria*)	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 (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	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 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	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) 7%

>> Repeat Violator (Subtotal 3)

N/A ***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 the same/similar violations and one NOV with dissimilar violations.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage ****capped at 100%*** 7%

Screening Date 15-Feb-2024 | **Docket No.** 2024-0283-PWS-E | **PCW**

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Respondent City of Dublin

Case ID No. 65522

Reg. Ent. Reference No. RN101178044

Media Public Water Supply

Enf. Coordinator Miles Caston

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.115(f)(1) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethances ("TTHM"), based on the locational running annual average. Specifically, the locational running annual average concentrations of TTHM for Stage 2 Disinfection Byproducts ("DBP2") at Site 1 were 0.083 mg/L for the second quarter of 2023, 0.093 mg/L for the third quarter of 2023, and 0.100 mg/L for the fourth quarter of 2023. Additionally, the locational running annual average concentrations of TTHM for DBP2 at site 2 were 0.082 mg/L for the second quarter of 2023, 0.095 mg/L for the third quarter of 2023, and 0.101 mg/L for the fourth quarter of 2023.

Base Penalty $5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

Percent 50.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Exceeding the MCL for TTHM caused persons served by the Facility to be exposed to a significant amount of contaminants which did not exceed levels protective of human health.

Adjustment $2,500

$2,500

Violation Events

Number of Violation Events: 2 | 274 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $5,000

Two annual events are recommended, one for each site.

Good Faith Efforts to Comply

0.0% (Before NOE/NOV)

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 $5,000

Economic Benefit (EB) for this violation

Estimated EB Amount $15,150

Statutory Limit Test

Violation Final Penalty Total $5,350

This violation Final Assessed Penalty (adjusted for limits) $5,350

Economic Benefit Worksheet

Respondent City of Dublin
Case ID No. 65522
Reg. Ent. Reference No. RN101178044
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)	$100,000	30-Jun-2023	28-Aug-2025	2.16	$721	$14,429	$15,150
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 other (as needed) cost includes the estimated cost to investigate, identify, and implement the necessary corrective actions to return to compliance with MCL for TTHM, calculated from the last day of the first quarter of noncompliance 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	$100,000				**TOTAL**	$15,150	

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 CN600625925, RN101178044, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN600625925, City of Dublin **Classification:** SATISFACTORY **Rating:** 0.62

Regulated Entity: RN101178044, CITY OF DUBLIN **Classification:** NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: 610 WEST MESQUITE STREET IN DUBLIN, ERATH COUNTY, TEXAS

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
0720001

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

Date Compliance History Report Prepared: August 26, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 26, 2019 to August 26, 2024

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

Name: Miles Caston **Phone:** (512) 239-4593

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 October 27, 2020 (1684512)

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: 01/24/2024 (1960580)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: TTHM LRAA MCL 4Q2023 – During the 4th quarter of 2023 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.100 mg/L at 1230 E State HWY 6. Dublin, TX (DBP2-01) and with a LRAA of 0.101 mg/L at 502 N Norton ST, Dublin, TX (DBP2-02). ETT Point Value = 5

2 Date: 08/06/2024 (1993907)
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)
Description: Failure to verify the accuracy of all manual disinfectant residual analyzers at least once every 90 days. EIC B1 MOD(2)(E)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(z)
30 TAC Chapter 290, SubChapter D 290.46(z)(1)
30 TAC Chapter 290, SubChapter D 290.46(z)(2)
30 TAC Chapter 290, SubChapter D 290.46(z)(3)
30 TAC Chapter 290, SubChapter D 290.46(z)(4)
Description: Failure to maintain a complete system specific nitrification action plan (NAP). EIC C3 MOD(2)(B)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)
30 TAC Chapter 290, SubChapter D 290.47(f)
Description: Failure to have all reduced pressure principle backflow prevention assemblies which protect against health hazards tested on an annual basis. EIC B1 MOD(2)(E)

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

Component Appendices

Appendix A
All NOVs Issued During Component Period 8/26/2019 and 8/26/2024

1* Date: 05/26/2023 (1960580)

Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: TTHM LRAA MCL 2Q2023 – During the 2nd quarter of 2023 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.083 mg/L at 1230 E State HWY 6. Dublin, TX (DBP2-01) and with a LRAA of 0.082 mg/L at 502 N Norton ST, Dublin, TX (DBP2-02). ETT Point Value = 5

2* Date: 08/23/2023 (1960580)

Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: TTHM LRAA MCL 3Q2023 – During the 3rd quarter of 2023 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.093 mg/L at 1230 E State HWY 6. Dublin, TX (DBP2-01) and with a LRAA of 0.095 mg/L at 502 N Norton ST, Dublin, TX (DBP2-02). ETT Point Value = 5

3 Date: 01/24/2024 (1960580)

Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: TTHM LRAA MCL 4Q2023 – During the 4th quarter of 2023 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.100 mg/L at 1230 E State HWY 6. Dublin, TX (DBP2-01) and with a LRAA of 0.101 mg/L at 502 N Norton ST, Dublin, TX (DBP2-02). ETT Point Value = 5

4 Date: 08/06/2024 (1993907)

Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)
Description: Failure to verify the accuracy of all manual disinfectant residual analyzers at least once every 90 days. EIC B1 MOD(2)(E)

Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 290, SubChapter D 290.46(z)
30 TAC Chapter 290, SubChapter D 290.46(z)(1)
30 TAC Chapter 290, SubChapter D 290.46(z)(2)
30 TAC Chapter 290, SubChapter D 290.46(z)(3)
30 TAC Chapter 290, SubChapter D 290.46(z)(4)
Description: Failure to maintain a complete system specific nitrification action plan (NAP). EIC C3 MOD(2)(B)

Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)
30 TAC Chapter 290, SubChapter D 290.47(f)
Description: Failure to have all reduced pressure principle backflow prevention assemblies which protect against health hazards tested on an annual basis. EIC B1 MOD(2)(E)

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

Appendix B
All Investigations Conducted During Component Period August 26, 2019 and August 26, 2024

Item 1*	October 27, 2020**	(1684512)
Item 2	September 15, 2022**	(1841774)
Item 3	February 07, 2024	(1960580)

Item 4	February 09, 2024	(1960957)
Item 5	July 22, 2024	(1993907)

* 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	**§**	**BEFORE THE**
ENFORCEMENT ACTION	**§**	
CONCERNING	**§**	**TEXAS COMMISSION ON**
CITY OF DUBLIN	**§**	
RN101178044	**§**	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2024-0283-PWS-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 Dublin (the "Respondent") under the authority 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 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 public water supply located at 610 West Mesquite Street in Dublin, Erath County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 1,477 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 January 29, 2024 through February 9, 2024, an investigator documented that the locational running annual average concentrations of total trihalomethanes ("TTHM") for Stage 2 Disinfection Byproducts ("DBP2") at Site 1 were 0.083 milligrams per liter ("mg/L") for the second quarter of 2023, 0.093 mg/L for the third quarter of 2023, and 0.100 mg/L for the fourth quarter of 2023. Additionally, the locational running annual average concentrations of TTHM for DBP2 at Site 2 were 0.082 mg/L for the second quarter of 2023, 0.095 mg/L for the third quarter of 2023, and 0.101 mg/L for the fourth quarter of 2023.

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, the Respondent failed to comply with the maximum contaminant level ("MCL") of 0.080 mg/L for TTHM, based on the locational running annual average, in violation of 30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c).

3. 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.

4. An administrative penalty in the amount of $5,350 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 amount of $5,350 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. If the Respondent fails to timely and satisfactorily comply with any requirement contained in this Order, the Executive Director may demand payment of all or part of the conditionally deferred 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 Dublin, Docket No. 2024-0283-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 365 days after the effective date of this Order, return to compliance with the MCL for TTHM, based on the locational running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.115.

b. Within 380 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.a. 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:

> 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. 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.

7. 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.

8. 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.

9. 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.

10. 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	11/4/2024 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	09/24/2024 Date
David Leatherwood Name (Printed or typed) Authorized Representative of City of Dublin	Mayor 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.