

Brooke T. Paup, *Chairwoman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 22, 2025

To: Persons on the Attached Mailing List (Via email only)

Re: Executive Director's Request for Remand regarding an Agreed Order assessing administrative penalties and requiring certain actions of the City of Comanche; TCEQ Docket No. 2024-0319-PWS-E

The above-referenced matters are currently scheduled to be considered by the Texas Commission on Environmental Quality at its July 23, 2025, public meeting (Item 31). On July 22, 2025, the Executive Director filed a request to remand this item because the Executive Director has determined that additional case development is necessary. Pursuant to 30 TAC § 10.4, these matters are hereby remanded to the Executive Director.

If you have any questions about this matter, please contact Todd Burkey, Assistant General Counsel at Todd.Burkey@tceq.texas.gov.

Respectfully,

A handwritten signature in black ink that reads "Mary Smith".

Mary Smith
General Counsel

Mailing List

Mailing List
City of Comanche
TCEQ Docket No. 2024-0319-PWS-E

The Honorable Mary Boyd
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TCEQ Interoffice Memorandum

To: Mary Smith, General Counsel

Thru: *MBC* Amy Settemeyer, Deputy Director
Enforcement Division

From: *MP* Michael Parrish, Agenda Special Assistant
Enforcement Division

Date: July 22, 2025

Subject: Request for Remand
July 23, 2025, Commission Agenda
Item No. 31 – City of Comanche
Docket No. 2024-0319-PWS-E

The Executive Director respectfully requests that the above-referenced item be remanded to staff, as the Executive Director has determined that additional case development is necessary.

Respondent Contact:

The Honorable Mary Boyd
Mayor of Comanche
101 East Grand Avenue
Comanche, Texas 76442

Brandi Grant, Director of Operations
101 East Grand Avenue
Comanche, Texas 76442

cityhall@comanchetexas.gov

Please do not hesitate to call Michael Parrish at (512) 239-2548 if you have any questions regarding this matter.

cc: Garrett Arthur, Public Interest Counsel
Melissa Schmidt, Public Interest Counsel
Gill Valls, Office of General Counsel
Katherine McKenzie, Agenda Coordinator, Litigation Division
Amy Settemeyer, Deputy Director, Enforcement Division
Melissa Cordell, Assistant Deputy Director, Enforcement Division
Megan Hamilton, Manager, Drinking Water Section, Enforcement Division
Mason DeMasi, Team Leader, Drinking Water Section, Enforcement Division

Executive Summary – Enforcement Matter – Case No. 65551

City of Comanche

RN101200962

Docket No. 2024-0319-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 Comanche PWS, 114 West Central Avenue, Comanche, Comanche County

Type of Operation:

PWS

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 2, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$10,190

Amount Deferred for Disinfection Byproducts for Eligible Systems: \$7,350

Total Paid to General Revenue: \$2,840

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 through February 9, 2024

Date(s) of NOE(s): February 9, 2024

Executive Summary – Enforcement Matter – Case No. 65551

City of Comanche

RN101200962

Docket No. 2024-0319-PWS-E

Violation Information

1. 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)].
2. Failed to submit a Disinfection Level Quarterly Operating Report (“DLQOR”) to the Executive Director by the tenth day of the month following the end of each quarter [30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3)].
3. Failed to provide public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to conduct routine coliform monitoring [30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By April 18, 2024, submitted a DLQOR for the Facility; and
- b. On January 23, 2025, returned to compliance with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, provide public notification and submit a copy of each public notification, accompanied with a signed Certificate of Delivery, to the Executive Director, regarding the failure to conduct routine coliform monitoring for the month of November 2022; and
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Mason DeMasi, Enforcement Division, Enforcement Team 5, MC R-13, (210) 657-8425; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: The Honorable Mary Boyd, Mayor, City of Comanche, 101 East Grand Avenue, Comanche, Texas 76442-2477

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	Screening	16-Feb-2024	EPA Due	31-Mar-2024
	PCW	6-Sep-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Comanche (PCW No. 1 of 2)				
Reg. Ent. Ref. No.	RN101200962				
Facility/Site Region	3-Abilene	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	65551	No. of Violations	2
Docket No.	2024-0319-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Mason DeMasi
		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	\$2,000
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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	47.0%	Adjustment	Subtotals 2, 3, & 7	\$940
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Notes	Enhancement for four NOV with same/similar violations, one NOV with dissimilar violations, and one agreed order without a denial of liability.			
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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	-\$100
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$26	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$47	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,840
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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	\$2,840
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,840
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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	\$2,840
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Screening Date	16-Feb-2024	Docket No.	2024-0319-PWS-E	PCW
Respondent	City of Comanche (PCW No. 1 of 2)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	65551			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101200962			
Media	Public Water Supply			
Enf. Coordinator	Mason DeMasi			

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>)	4	20%
	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	1	25%
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) 47%

>> 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 four NOVs with same/similar violations, one NOV with dissimilar violations, and one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 47%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 47%

Screening Date	16-Feb-2024	Docket No.	2024-0319-PWS-E	PCW
Respondent	City of Comanche (PCW No. 1 of 2)	Policy Revision 5 (January 28, 2021)		
Case ID No.	65551	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN101200962			
Media	Public Water Supply			
Enf. Coordinator	Mason DeMasi			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 290.122(c)(2)(A) and (f)			
Violation Description	Failed to provide public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to conduct routine coliform monitoring for the month of November 2022.			
Base Penalty				\$5,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes		Falsification	Major	Moderate	Minor	
			x			Percent 20.0%
		100% of the rule requirements were not met.				

Adjustment \$4,000

\$1,000

Violation Events

Number of Violation Events	1	386	Number of violation days
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	daily		Violation Base Penalty	
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

	0.0%		Reduction	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary				
N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.			

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

	\$4	Statutory Limit Test
Estimated EB Amount		Violation Final Penalty Total
		\$1,470
This violation Final Assessed Penalty (adjusted for limits)		\$1,470

Economic Benefit Worksheet

Respondent City of Comanche (PCW No. 1 of 2)
Case ID No. 65551
Reg. Ent. Reference No. RN101200962
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)	\$25	10-Dec-2022	19-May-2026	3.44	\$4	n/a	\$4

Notes for DELAYED costs

The Other (as needed) cost includes the estimated amount to ensure that all delinquent public notifications (\$25 per notification x one missed notification) are provided to persons served by the Facility and a copy of the public notification is submitted to the Executive Director, calculated from the date the public notification was due to the estimated date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$4

Screening Date	16-Feb-2024	Docket No.	2024-0319-PWS-E	PCW
Respondent	City of Comanche (PCW No. 1 of 2)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	65551			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101200962			
Media	Public Water Supply			
Enf. Coordinator	Mason DeMasi			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 290.110(e)(4)(A) and (f)(3)			
Violation Description	Failed to submit a Disinfection Level Quarterly Operating Report ("DLQOR") to the Executive Director by the tenth day of the month following the end of each quarter for the third quarter of 2023.			
		Base Penalty	\$5,000	
>> Environmental, Property and Human Health Matrix				
OR		Release	Harm	
		Major	Moderate	Minor
	Actual			
	Potential			
				Percent 0.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
		x		
				Percent 20.0%
Matrix Notes	100% of the rule requirements were not met.			
		Adjustment	\$4,000	
			\$1,000	
Violation Events				
	Number of Violation Events	1	82	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
				Violation Base Penalty \$1,000
	One single event is recommended.			
Good Faith Efforts to Comply				
		10.0%	Reduction	\$100
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary		x	
	N/A			
	Notes	The Respondent achieved compliance on April 18, 2024.		
		Violation Subtotal	\$900	
Economic Benefit (EB) for this violation				
	Statutory Limit Test			
	Estimated EB Amount	\$22	Violation Final Penalty Total	\$1,370
	This violation Final Assessed Penalty (adjusted for limits)			\$1,370

Economic Benefit Worksheet

Respondent City of Comanche (PCW No. 1 of 2)
Case ID No. 65551
Reg. Ent. Reference No. RN101200962
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$22	10-Oct-2023	16-Feb-2024	0.35	\$0	\$22	\$22
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and submit a DLQOR (\$22 per DLQOR x one report), calculated from the date the report was due for the for the third quarter of 2023 to the date of screening.

Approx. Cost of Compliance

\$22

TOTAL

\$22



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	15-Feb-2024	Screening	16-Feb-2024	EPA Due	31-Mar-2024
	PCW	6-Sep-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Comanche (PCW No. 2 of 2)				
Reg. Ent. Ref. No.	RN101200962				
Facility/Site Region	3-Abilene	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	65551	No. of Violations	1
Docket No.	2024-0319-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Mason DeMasi
		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	\$5,000
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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	47.0%	Adjustment	Subtotals 2, 3, & 7	\$2,350
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Notes: Enhancement for four NOVs with same/similar violations, one NOV with dissimilar violations, and one agreed order without a denial of liability.

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	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$9,224
Estimated Cost of Compliance	\$100,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,350
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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	\$7,350
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,350
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DEFERRAL	100.0%	Reduction	Adjustment	-\$7,350
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

The Executive Director recommends a conditional deferral for disinfection byproducts.

PAYABLE PENALTY	\$0
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Screening Date	16-Feb-2024	Docket No.	2024-0319-PWS-E	PCW
Respondent	City of Comanche (PCW No. 2 of 2)			Policy Revision 5 (January 28, 2021)
Case ID No.	65551			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN101200962			
Media	Public Water Supply			
Enf. Coordinator	Mason DeMasi			

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>)	4	20%
	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	1	25%
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) 47%

>> 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 four NOVs with same/similar violations, one NOV with dissimilar violations, and one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 47%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 47%

Screening Date	16-Feb-2024	Docket No.	2024-0319-PWS-E	PCW
Respondent	City of Comanche (PCW No. 2 of 2)			Policy Revision 5 (January 28, 2021)
Case ID No.	65551			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN101200962			
Media	Public Water Supply			
Enf. Coordinator	Mason DeMasi			
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 trihalomethanes ("TTHM"), based on the locational running annual average. Specifically, the locational running annual average concentrations of TTHM for Stage 2 Disinfection Byproducts at Site 1 were 0.086 mg/L for the third quarter of 2023 and 0.095 mg/L for the fourth quarter of 2023, and at Site 3 were 0.082 mg/L for the third quarter of 2023 and 0.093 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 Potential		x	
			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	183	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%	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	\$9,224	Violation Final Penalty Total	\$7,350
		This violation Final Assessed Penalty (adjusted for limits) \$7,350		

Economic Benefit Worksheet

Respondent City of Comanche (PCW No. 2 of 2)
Case ID No. 65551
Reg. Ent. Reference No. RN101200962
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-Sep-2023	23-Jan-2025	1.32	\$439	\$8,785	\$9,224
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 the MCL for TTHM, 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

\$100,000

TOTAL

\$9,224



Compliance History Report

Compliance History Report for CN600645758, RN101200962, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN600645758, City of Comanche **Classification:** SATISFACTORY **Rating:** 5.22

Regulated Entity: RN101200962, CITY OF COMANCHE **Classification:** NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: 114 WEST CENTRAL AVENUE IN COMANCHE, COMANCHE COUNTY, TEXAS

TCEQ Region: REGION 03 - ABILENE

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0470001

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

Date Compliance History Report Prepared: August 23, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 23, 2019 to August 23, 2024

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

Name: Mason DeMasi **Phone:** (210) 657-8425

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:

- 1 Effective Date: 05/12/2020 ADMINORDER 2019-0759-PWS-E (Findings Order-Agreed Order Without Denial)
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)
- Description: TTHM LRAA MCL 1Q2019 - During the 1st quarter of 2019 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.088 mg/L at 100 Indian Creek Dr, Comanche (DBP2-02).
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)
- Description: TTHM LRAA MCL 4Q2018 - During the 4th quarter of 2018 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.099 mg/L at 100 Indian Creek Dr, Comanche (DBP2-02).
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.115(e)(2)
- Description: DBP2 TTHM OEL Reporting - This system failed to submit the Operational Evaluation Report (OEL) after exceeding the operational evaluation level for trihalomethanes at 100 Indian Creek Dr, Comanche (DBP2-02) within the required timeline.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	March 10, 2022	(1796879)
Item 2	December 06, 2022	(1861812)

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: 11/03/2023 (1960614)		
	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 0.086 mg/L at 1323 N Mary, Comanche (DBP2-01) and with a LRAA of 0.082 mg/L at 203 9th ST, Comanche (DBP2-03). ETT Point Value = 5		
2	Date: 12/14/2023 (1960614)		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)		
	30 TAC Chapter 290, SubChapter F 290.110(f)(2)		
	30 TAC Chapter 290, SubChapter F 290.110(f)(3)		
	Description: DLQOR MR 3Q2023 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the third quarter of 2023 within the required timeline. ETT Point Value = 1		
3	Date: 01/23/2024 (1960614)		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)		
	30 TAC Chapter 290, SubChapter F 290.122(f)		
	40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(a)		
	40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(c)(3)		
	Description: NOV/2022 RTRC Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 11/2022. ETT Point Value = 1		
4	Date: 01/24/2024 (1960614)		
	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 0.095 mg/L at 1323 N Mary, Comanche (DBP2-01) and with a LRAA of 0.093 mg/L at 203 9th ST, Comanche (DBP2-03). ETT Point Value = 5		
5	Date: 03/14/2024 (1960551)		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)		
	Description: Failure to maintain watertight conditions.		

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 NOV's Issued During Component Period 8/23/2019 and 8/23/2024

1	Date: 08/30/2019 (1591975)		
	Self Report? NO	Classification: Minor	
	Citation:		
	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)		
	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(II)		
	Description: Failure to record the amount of chemicals daily in 2018 and 2019.		
	Self Report? NO	Classification: Minor	
	Citation:		
	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)		
	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)		
	30 TAC Chapter 290, SubChapter D 290.46(l)		
	Description: Failure to flush dead-end mains on a monthly basis.		
	Self Report? NO	Classification: Minor	
	Citation:		
	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)		
	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)		
	30 TAC Chapter 290, SubChapter D 290.46(m)(1)		
	Description: Failure to have tanks inspected on a yearly basis and maintain a record of previous inspections.		
	Self Report? NO	Classification: Minor	
	Citation:		
	30 TAC Chapter 290, SubChapter D 290.44(h)(4)		
	Description: Failure to have all backflow prevention devices that pose a health or contamination risk tested on an annual basis.		
	Self Report? NO	Classification: Minor	
	Citation:		
	30 TAC Chapter 288, SubChapter B 288.20		
	30 TAC Chapter 288, SubChapter B 288.20(a)		
	30 TAC Chapter 288, SubChapter B 288.20(a)(1)		
	30 TAC Chapter 288, SubChapter B 288.20(a)(1)(A)		
	30 TAC Chapter 288, SubChapter B 288.20(a)(1)(B)		
	30 TAC Chapter 288, SubChapter B 288.20(a)(1)(C)		
	30 TAC Chapter 288, SubChapter B 288.20(a)(1)(D)		
	30 TAC Chapter 288, SubChapter B 288.20(a)(1)(E)		
	30 TAC Chapter 288, SubChapter B 288.20(a)(1)(E)(i)		
	30 TAC Chapter 288, SubChapter B 288.20(a)(1)(E)(ii)		
	30 TAC Chapter 288, SubChapter B 288.20(a)(1)(E)(iii)		
	30 TAC Chapter 288, SubChapter B 288.20(a)(1)(E)(iv)		
	30 TAC Chapter 288, SubChapter B 288.20(a)(1)(F)		
	30 TAC Chapter 288, SubChapter B 288.20(a)(1)(F)(i)		
	30 TAC Chapter 288, SubChapter B 288.20(a)(1)(F)(ii)		
	30 TAC Chapter 288, SubChapter B 288.20(a)(1)(G)		
	30 TAC Chapter 288, SubChapter B 288.20(a)(1)(G)(i)		
	30 TAC Chapter 288, SubChapter B 288.20(a)(1)(G)(ii)		
	30 TAC Chapter 288, SubChapter B 288.20(a)(1)(H)		
	30 TAC Chapter 288, SubChapter B 288.20(a)(1)(I)		
	30 TAC Chapter 288, SubChapter B 288.20(a)(1)(J)		
	30 TAC Chapter 288, SubChapter B 288.20(a)(2)		
	30 TAC Chapter 288, SubChapter B 288.20(a)(3)		
	30 TAC Chapter 288, SubChapter B 288.20(b)		
	30 TAC Chapter 288, SubChapter B 288.20(c)		
	Description: Failure to have a Drought Contingency Plan.		
	Self Report? NO	Classification: Minor	
	Citation:		
	30 TAC Chapter 290, SubChapter D 290.45(f)(4)		
	30 TAC Chapter 290, SubChapter D 290.45(f)(5)		
	30 TAC Chapter 290, SubChapter D 290.45(f)(6)		
	Description: Failure to meet production capacity demands.		

2*

Date: 11/22/2022 (1852886)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(f)(4)
 30 TAC Chapter 290, SubChapter D 290.45(f)(5)
 30 TAC Chapter 290, SubChapter D 290.45(f)(6)
 Description: Failure to meet production capacity demands.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
 Description: Failure to have a plant operations manual.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)
 Description: Failure to provide chloramine effectiveness sampling records.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
 Description: Failure to maintain the waterline in the chlorine injection room in a watertight condition at all times at the Highway 36 PS.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iii)
 Description: Failure to have two or more service pumps at the Highway 36 PS.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(3)
 Description: Failure to have a device to readily determine air-water-volume of the pressure tank.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)
 Description: Failure to maintain records of dead-end flushing.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(i)
 Description: Failure to provide the most recent 12-months of microbial sample test results.

3

Date: 11/03/2023 (1960614)

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 0.086 mg/L at 1323 N Mary, Comanche (DBP2-01) and with a LRAA of 0.082 mg/L at 203 9th ST, Comanche (DBP2-03). ETT Point Value = 5

4

Date: 12/14/2023 (1960614)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 3Q2023 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the third quarter of 2023 within the required timeline. ETT Point Value = 1

5

Date: 01/23/2024 (1960614)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)

40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(a)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(c)(3)
 Description: NOV/2022 RTRC Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 11/2022. ETT Point Value = 1

6 Date: 01/24/2024 (1960614)
 Self Report? NO Classification: Moderate
 Citation:
 Description: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
 TTHM LRAA MCL 4Q2023 – During the 4th quarter of 2023 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.095 mg/L at 1323 N Mary, Comanche (DBP2-01) and with a LRAA of 0.093 mg/L at 203 9th ST, Comanche (DBP2-03). ETT Point Value = 5

7 Date: 03/14/2024 (1960551)
 Self Report? NO Classification: Moderate
 Citation:
 Description: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
 Failure to maintain watertight conditions.

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

Appendix B

All Investigations Conducted During Component Period August 23, 2019 and August 23, 2024

Item 1	August 30, 2019**	(1591975)
Item 2	November 01, 2019**	(1605480)
Item 3	January 30, 2020**	(1624136)
Item 4*	March 10, 2022**	(1796879)
Item 5	November 22, 2022**	(1852886)
Item 6*	December 06, 2022**	(1861812)
Item 7	February 08, 2024	(1960614)
Item 8	February 09, 2024	(1961085)

* 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
CITY OF COMANCHE
RN101200962

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

AGREED ORDER DOCKET NO. 2024-0319-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 Comanche (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 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 114 West Central Avenue in Comanche, Comanche County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 2,395 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:
 - a. The locational running annual average concentrations of total trihalomethanes ("TTHM") for Stage 2 Disinfection Byproducts at Site 1 were 0.086 milligrams per liter ("mg/L") for the third quarter of 2023 and 0.095 mg/L for the fourth quarter of 2023, and at Site 3 were 0.082 mg/L for the third quarter of 2023 and 0.093 mg/L for the fourth quarter of 2023;
 - b. The Respondent did not submit a Disinfection Level Quarterly Operating Report ("DLQOR") to the Executive Director by the tenth day of the month following the end of each quarter for the third quarter of 2023; and

- c. The Respondent did not provide public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to conduct routine coliform monitoring for the month of November 2022.
3. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. By April 18, 2024, submitted a DLQOR for the Facility; and
 - b. On January 23, 2025, returned to compliance with the maximum contaminant level ("MCL") of 0.080 mg/L for TTHM.

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 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. As evidenced by Finding of Fact No. 2.b, the Respondent failed to submit a DLQOR to the Executive Director by the tenth day of the month following the end of each quarter, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3).
4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to provide public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to conduct routine coliform monitoring, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f).
5. 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.
6. An administrative penalty in the amount of \$10,190 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 \$2,840 of the penalty. The TCEQ has determined that Conclusion of Law No. 2. of this Order qualifies for 100% deferral. Therefore, the remaining amount of \$7,350 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. 6 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 Comanche, Docket No. 2024-0319-PWS-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, provide public notification and submit a copy of each public notification, accompanied with a signed Certificate of Delivery, to the Executive Director, regarding the failure to conduct routine coliform monitoring for the month of November 2022, in accordance with 30 TEX. ADMIN. CODE § 290.122.
 - b. Within 45 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 Function Section Manager
Water Supply Division
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

6/3/2025

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



Date



Name (Printed or typed)
Authorized Representative of
City of Comanche



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.