

**Executive Summary – Enforcement Matter – Case No. 65632**

**City of Dodd City**

**RN101608867**

**Docket No. 2024-0399-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

No

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

Dodd City WWTF, located approximately 2,600 feet southwest of the intersection of Farm-to-Market Road 897 and State Highway 56, and approximately 2,500 feet southeast of the intersection of Farm-to-Market Road 2077 and State Highway 56, Dodd City, Fannin County

**Type of Operation:**

Wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** May 31, 2024

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$20,312

**Amount Deferred for Expedited Settlement:** \$4,062

**Total Paid to General Revenue:** \$465

**Total Due to General Revenue:** \$15,785

Payment Plan: 35 payments of \$451 each

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**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:** November 29, 2023

**Date(s) of NOE(s):** February 8, 2024

**Executive Summary – Enforcement Matter – Case No. 65632**

**City of Dodd City**

**RN101608867**

**Docket No. 2024-0399-MWD-E**

***Violation Information***

Failed to comply with permitted effluent limitations for total suspended solids, *Escherichia coli*, and biochemical oxygen demand [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010538001, Effluent Limitations and Monitoring Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to, within 130 days, submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0010538001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Taylor Williamson, Enforcement Division, Enforcement Team 1, MC R-12, (512) 239-2097; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** The Honorable Timothy Davis, Mayor, City of Dodd City, P.O. Box 129, Dodd City, Texas 75438

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	28-Feb-2024			
	<b>PCW</b>	5-Mar-2024	<b>Screening</b>	29-Feb-2024	<b>EPA Due</b>

<b>RESPONDENT/FACILITY INFORMATION</b>					
<b>Respondent</b>	City of Dodd City				
<b>Reg. Ent. Ref. No.</b>	RN101608867				
<b>Facility/Site Region</b>	4-Dallas/Fort Worth		<b>Major/Minor Source</b>	Minor	

<b>CASE INFORMATION</b>					
<b>Enf./Case ID No.</b>	65632		<b>No. of Violations</b>	2	
<b>Docket No.</b>	2024-0399-MWD-E		<b>Order Type</b>	1660	
<b>Media Program(s)</b>	Water Quality		<b>Government/Non-Profit</b>	Yes	
<b>Multi-Media</b>			<b>Enf. Coordinator</b>	Taylor Williamson	
			<b>EC's Team</b>	Enforcement Team 1	
<b>Admin. Penalty \$ Limit Minimum</b>	\$0		<b>Maximum</b>	\$25,000	

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$16,250
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	<b>25.0%</b>	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$4,062
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<b>Notes</b>	Enhancement for five months of self-reported effluent violations.			
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<b>Culpability</b>	No	<b>0.0%</b>	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.			
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	<b>0.0%</b>	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$1,572	<i>*Capped at the Total EB \$ Amount</i>
Estimated Cost of Compliance	\$15,000	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$20,312
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$20,312
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<b>DEFERRAL</b>	<b>20.0%</b>	<b>Reduction</b>	<b>Adjustment</b>	-\$4,062
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral offered for expedited settlement.			
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<b>PAYABLE PENALTY</b>	\$16,250
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Screening Date

29-Feb-2024

Docket No.

2024-0399-MWD-E

PCW

Respondent

City of Dodd City

Case ID No.

65632

Reg. Ent. Reference No.

RN101608867

Media

Water Quality

Enf. Coordinator

Taylor Williamson

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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> )	5	25%
	Other written NOVs	0	0%
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)25%

>> Repeat Violator (Subtotal 3)

NoAdjustment Percentage (Subtotal 3)0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory PerformerAdjustment Percentage (Subtotal 7)0%

>> Compliance History Summary

Compliance History Notes

Enhancement for five months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)25%

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100%25%

Screening Date		29-Feb-2024		Docket No.		2024-0399-MWD-E		PCW		
Respondent		City of Dodd City		Policy Revision 5 (January 28, 2021)						
Case ID No.		65632		PCW Revision February 11, 2021						
Reg. Ent. Reference No.		RN101608867								
Media		Water Quality								
Enf. Coordinator		Taylor Williamson								
Violation Number		1								
Rule Cite(s)		30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010538001, Effluent Limitations and Monitoring Requirements No. 1								
Violation Description		Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.								
				Base Penalty		\$25,000				
>> Environmental, Property and Human Health Matrix										
OR	Release		Major		Moderate		Minor			
	Actual				x					
	Potential								Percent 25.0%	
>> Programmatic Matrix										
		Falsification		Major		Moderate		Minor		
										Percent 0.0%
Matrix Notes		A simplified model was used to evaluate biochemical oxygen demand (5-day) to determine whether the discharged amounts of pollutants exceeded protective levels. <i>Escherichia coli</i> and total suspended solids were also considered. Human health or the environment has been exposed to significant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.								
				Adjustment		\$18,750				
						\$6,250				
Violation Events										
		Number of Violation Events		2		61		Number of violation days		
		daily								
		weekly								
		monthly		x						
		quarterly								
		semiannual								
		annual								
		single event								
								Violation Base Penalty \$12,500		
		Two monthly events are recommended for the quarterly monitoring period ending March 2023 and for the June 2023 monthly monitoring period.								
Good Faith Efforts to Comply				0.0%		Reduction		\$0		
		Before NOE/NOV		NOE/NOV to EDP RP/Settlement Offer						
		Extraordinary								
		Ordinary								
		N/A		x						
		Notes		The Respondent does not meet the good faith criteria for this violation.						
				Violation Subtotal		\$12,500				
Economic Benefit (EB) for this violation										
Statutory Limit Test										
		Estimated EB Amount		\$1,572		Violation Final Penalty Total		\$15,625		
				This violation Final Assessed Penalty (adjusted for limits)		\$15,625				

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. City of Dodd City 65632 RN101608867 Water Quality 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)	\$15,000	31-Mar-2023	4-May-2025	2.10	\$1,572	n/a	\$1,572
Notes for DELAYED costs	Estimated cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations. The Date Required is the end date of the first month of noncompliance, and the Final Date is 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	\$15,000	TOTAL	\$1,572
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Screening Date

29-Feb-2024

Docket No.

2024-0399-MWD-E

PCW

Respondent

City of Dodd City

Case ID No.

65632

Reg. Ent. Reference No.

RN101608867

Media

Water Quality

Enf. Coordinator

Taylor Williamson

Violation Number

2

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0010538001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty

\$25,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

x

Potential

Percent

15.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent

0.0%

Matrix Notes

Total suspended solids were evaluated to determine whether the discharged amounts of pollutants exceeded protective levels. Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

\$21,250

\$3,750

Violation Events

Number of Violation Events

1

30

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty

\$3,750

One quarterly event is recommended for the quarter containing the month of September 2023.

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

\$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$0

Violation Final Penalty Total

\$4,688

This violation Final Assessed Penalty (adjusted for limits)

\$4,688

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. City of Dodd City 65632 RN101608867 Water Quality 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	See Economic Benefit Worksheet for Violation No. 1.						

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	\$0	TOTAL	\$0
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City of Dodd City TPDES Permit No. WQ0010538001 Case No. 65632 Docket No. 2024-0399-MWD-E					
Effluent Violation Table					
	BOD Daily Avg. Load.	TSS Daily Avg. Conc.	TSS Daily Single Grab Conc.	TSS Daily Avg. Load.	<i>Escherichia coli</i> Single Grab Conc.
Monitoring Period	Limit = 8 lbs/day	Limit = 20 mg/L	Limit = 65 mg/L	Limit = 8 lbs/day	Limit = 399 CFU/100 mL
March 2023	c	c	c	c	>2,419.6
June 2023	15	c	c	11.2	c
September 2023	c	49.1	152	c	c

BOD = biochemical oxygen demand (5-day)   TSS = total suspended solids   Load. = loading  
mg/L=milligrams per liter   Avg. = average   Conc. = concentration   lbs/day = pounds per day  
CFU/100 mL = colony forming units per 100 milliliters   c = compliant



# Compliance History Report

Compliance History Report for CN600665228, RN101608867, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

**Customer, Respondent, or Owner/Operator:** CN600665228, City of Dodd City

**Classification:** SATISFACTORY

**Rating:** 0.40

**Regulated Entity:** RN101608867, DODD CITY

**Classification:** SATISFACTORY

**Rating:** 0.40

**Complexity Points:** 4

**Repeat Violator:** NO

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

**Location:** Approximately 2,600 feet southwest of the intersection of Farm-to-Market Road 897 and State Highway 56, and approximately 2,500 feet southeast of the intersection of Farm-to-Market Road 2077 and State Highway 56, in Fannin County

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

**ID Number(s):**

**WASTEWATER PERMIT** WQ0010538001

**WASTEWATER EPA ID** TX0057169

**Compliance History Period:** September 01, 2018 to August 31, 2023

**Rating Year:** 2023

**Rating Date:** 09/01/2023

**Date Compliance History Report Prepared:** February 29, 2024

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** February 28, 2019 to February 28, 2024

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

**Name:** Taylor Williamson

**Phone:** (512) 239-2097

## Site and Owner/Operator History:

- |  |     |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five-year compliance period?       | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO  |

## Components (Multimedia) for the Site Are Listed in Sections A - J

### **A. Final Orders, court judgments, and consent decrees:**

N/A

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

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

Item 1	April 22, 2019	(1572522)	Item 14	July 14, 2020	(1674272)
Item 2	May 22, 2019	(1584656)	Item 15	September 20, 2020	(1681039)
Item 3	June 21, 2019	(1584657)	Item 16	October 20, 2020	(1693958)
Item 4	July 20, 2019	(1593868)	Item 17	November 21, 2020	(1714538)
Item 5	September 20, 2019	(1607087)	Item 18	December 20, 2020	(1714539)
Item 6	October 20, 2019	(1613939)	Item 19	January 21, 2021	(1714540)
Item 7	November 21, 2019	(1619750)	Item 20	February 21, 2021	(1727604)
Item 8	December 20, 2019	(1627112)	Item 21	April 07, 2021	(1727605)
Item 9	January 21, 2020	(1634748)	Item 22	April 21, 2021	(1727606)
Item 10	February 19, 2020	(1641356)	Item 23	April 23, 2021	(1709058)
Item 11	April 20, 2020	(1654224)	Item 24	May 20, 2021	(1741101)
Item 12	May 20, 2020	(1660790)	Item 25	June 16, 2021	(1747949)
Item 13	June 22, 2020	(1667321)	Item 26	July 20, 2021	(1752396)

Item 27	August 20, 2021	(1757830)	Item 39	September 21, 2022	(1856910)
Item 28	September 20, 2021	(1767045)	Item 40	October 20, 2022	(1863269)
Item 29	October 20, 2021	(1777524)	Item 41	November 25, 2022	(1870181)
Item 30	November 21, 2021	(1784323)	Item 42	December 20, 2022	(1876029)
Item 31	December 20, 2021	(1791353)	Item 43	January 20, 2023	(1882850)
Item 32	January 20, 2022	(1799135)	Item 44	February 22, 2023	(1890662)
Item 33	March 23, 2022	(1814078)	Item 45	March 21, 2023	(1899227)
Item 34	April 20, 2022	(1820651)	Item 46	May 21, 2023	(1913188)
Item 35	May 21, 2022	(1829486)	Item 47	June 07, 2023	(1919798)
Item 36	June 16, 2022	(1835780)	Item 48	August 20, 2023	(1933721)
Item 37	July 13, 2022	(1842981)	Item 49	September 20, 2023	(1939865)
Item 38	August 20, 2022	(1849110)			

**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: 03/31/2023 (1906031)   |                 |          |
|   | Self Report? YES   | Classification: | Moderate |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1) |                 |          |
|   | Description: Failure to meet the limit for one or more permit parameter                            |                 |          |
| 2 | Date: 06/30/2023 (1926762)   |                 |          |
|   | Self Report? YES   | Classification: | Moderate |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1) |                 |          |
|   | Description: Failure to meet the limit for one or more permit parameter                            |                 |          |
| 3 | Date: 09/30/2023 (1946707)   |                 |          |
|   | Self Report? YES   | Classification: | Moderate |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1) |                 |          |
|   | Description: Failure to meet the limit for one or more permit parameter                            |                 |          |
| 4 | Date: 10/31/2023 (1952397)   |                 |          |
|   | Self Report? YES   | Classification: | Moderate |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1) |                 |          |
|   | Description: Failure to meet the limit for one or more permit parameter                            |                 |          |
| 5 | Date: 11/30/2023 (1962168)   |                 |          |
|   | Self Report? YES   | Classification: | Moderate |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1) |                 |          |
|   | Description: Failure to meet the limit for one or more permit parameter                            |                 |          |

#### F. Environmental audits:

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

## J. Early compliance:

N/A

### Sites Outside of Texas:

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF DODD CITY  
RN101608867

§ BEFORE THE  
§ TEXAS COMMISSION ON  
§ ENVIRONMENTAL QUALITY  
§

## AGREED ORDER DOCKET NO. 2024-0399-MWD-E

### I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Dodd City (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located approximately 2,600 feet southwest of the intersection of Farm-to-Market Road 897 and State Highway 56, and approximately 2,500 feet southeast of the intersection of Farm-to-Market Road 2077 and State Highway 56, Fannin County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$20,312 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$465 of the penalty and \$4,062 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order.

The remaining amount of \$15,785 of the undeferred penalty shall be paid in 35 monthly payments of \$451 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately

due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty amount.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

## II. ALLEGATIONS

During a record review for the Facility conducted on November 29, 2023, an investigator documented that the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010538001, Effluent Limitations and Monitoring Requirements No. 1, as shown in the effluent violation table below.

Effluent Violation Table					
	BOD Daily Avg. Load.	TSS Daily Avg. Conc.	TSS Daily Single Grab Conc.	TSS Daily Avg. Load.	<i>Escherichia coli</i> Single Grab Conc.
Monitoring Period	Limit = 8 lbs/day	Limit = 20 mg/L	Limit = 65 mg/L	Limit = 8 lbs/day	Limit = 399 CFU/100 mL
March 2023	c	c	c	c	>2,419.6
June 2023	15	c	c	11.2	c
September 2023	c	49.1	152	c	c

BOD = biochemical oxygen demand (5-day) TSS = total suspended solids Load. = loading  
mg/L=milligrams per liter Avg. = average Conc. = concentration lbs/day = pounds per day  
CFU/100 mL = colony forming units per 100 milliliters c = compliant

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Dodd City, Docket No. 2024-0399-MWD-E" to:

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

2. The Respondent shall, within 130 days after the effective date of this Order, submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0010538001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. This certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

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Date

  
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For the Executive Director

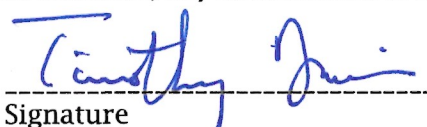
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6/11/2024  
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Date

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.

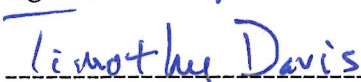
I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

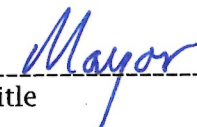
- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic 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.

  
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Signature

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5-2-24  
-----  
Date

  
-----  
Name (Printed or typed)  
Authorized Representative of  
City of Dodd City

  
-----  
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.