

**Executive Summary – Enforcement Matter – Case No. 66023**

**City of Marietta**

**RN101416386**

**Docket No. 2024-0824-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 Marietta PWS, 111 North Pine Street, Marietta, Cass 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:** January 17, 2025

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$1,187

**Total Paid to General Revenue:** \$1,187

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

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - Unclassified

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** April 29, 2024 through May 10, 2024

**Date(s) of NOE(s):** May 10, 2024

***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)].

**Executive Summary – Enforcement Matter – Case No. 66023**  
**City of Marietta**  
**RN101416386**  
**Docket No. 2024-0824-PWS-E**

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

By July 9, 2024, the Respondent complied with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes at the Facility.

**Technical Requirements:**

N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Wyatt Throm, Enforcement Division, Enforcement Team 5, MC 219, (512) 239-1120; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Charles A Elliott, City Manager, City of Marietta, P.O. Box 247, Marietta, Tx 75566-0247

**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>	13-May-2024	<b>Screening</b>	14-May-2024	<b>EPA Due</b>	30-Sep-2024
	<b>PCW</b>	3-Jun-2024				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Marietta
<b>Reg. Ent. Ref. No.</b>	RN101416386
<b>Facility/Site Region</b>	5-Tyler
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	66023	<b>No. of Violations</b>	1
<b>Docket No.</b>	2024-0824-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Wyatt Throm
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$1,250</b>
---	-------------------	----------------

### 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>5.0%</b> Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$62</b>
---------------------------	------------------------	--------------------------------	-------------

Notes: Enhancement for one NOV with the same/similar violations.

<b>Culpability</b>	No	<b>0.0%</b> Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
--------------------	----	-------------------------	-------------------	------------

Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>-\$125</b>
--	-------------------	---------------

<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
-------------------------	--------------------------	-------------------	------------

Total EB Amounts: \$271  
 Estimated Cost of Compliance: \$5,000  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$1,187</b>
-----------------------------	-----------------------	----------------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b> Adjustment	<b>\$0</b>
---	------------------------	------------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$1,187</b>
-----------------------------	----------------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$1,187</b>
-----------------------------------	-------------------------------	----------------

<b>DEFERRAL</b>	<b>0.0%</b> Reduction Adjustment	<b>\$0</b>
-----------------	----------------------------------	------------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	<b>\$1,187</b>
------------------------	----------------

**Screening Date** 14-May-2024

**Docket No.** 2024-0824-PWS-E

**PCW**

**Respondent** City of Marietta

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 66023

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN101416386

**Media** Public Water Supply

**Enf. Coordinator** Wyatt Throm

### 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> )	1	5%
	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)** 5%

**>> Repeat Violator (Subtotal 3)**

N/A

**Adjustment Percentage (Subtotal 3)** 0%

**>> Compliance History Person Classification (Subtotal 7)**

Unclassified

**Adjustment Percentage (Subtotal 7)** 0%

**>> Compliance History Summary**

**Compliance History Notes**

Enhancement for one NOV with the same/similar violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 5%

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 5%

**Screening Date** 14-May-2024 **Docket No.** 2024-0824-PWS-E **PCW**  
**Respondent** City of Marietta *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 66023 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN101416386  
**Media** Public Water Supply  
**Enf. Coordinator** Wyatt Throm

**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 0.088 mg/L for the third quarter of 2023, 0.083 mg/L for the fourth quarter of 2023, and 0.081 mg/L for the first quarter of 2024.

**Base Penalty** \$5,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		x		25.0%
	Potential				

**>> 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** \$3,750

\$1,250

**Violation Events**

Number of Violation Events 1 274 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

**Violation Base Penalty** \$1,250

One annual event is recommended.

**Good Faith Efforts to Comply** 10.0% Reduction \$125

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

**Notes** The Respondent achieved compliance by July 9, 2024.

**Violation Subtotal** \$1,125

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$271 **Violation Final Penalty Total** \$1,188

**This violation Final Assessed Penalty (adjusted for limits)** \$1,188

# Economic Benefit Worksheet

**Respondent** City of Marietta  
**Case ID No.** 66023  
**Reg. Ent. Reference No.** RN101416386  
**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)	\$5,000	30-Sep-2023	9-Jul-2024	0.78	\$13	\$258	\$271
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
<b>Notes for DELAYED costs</b>	The Other (as needed) cost includes the estimated cost to investigate, identify, and implement the necessary corrective action 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
<b>Notes for AVOIDED costs</b>	(This section is currently blank for notes.)						

Approx. Cost of Compliance \$5,000

**TOTAL** \$271



# Compliance History Report

Compliance History Report for CN600740419, RN101416386, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600740419, City of Marietta	<b>Classification:</b>	UNCLASSIFIED	<b>Rating:</b>	-----
<b>Regulated Entity:</b>	RN101416386, CITY OF MARIETTA	<b>Classification:</b>	NOT APPLICABLE	<b>Rating:</b>	N/A
<b>Complexity Points:</b>	N/A	<b>Repeat Violator:</b>	N/A		
<b>CH Group:</b>	14 - Other				
<b>Location:</b>	111 NORTH PINE STREET IN MARIETTA, CASS COUNTY, TEXAS				
<b>TCEQ Region:</b>	REGION 05 - TYLER				
<b>ID Number(s):</b>	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0340017				

<b>Compliance History Period:</b>	September 01, 2019 to August 31, 2024	<b>Rating Year:</b>	2024	<b>Rating Date:</b>	09/01/2024
<b>Date Compliance History Report Prepared:</b>	November 08, 2024				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	November 08, 2019 to November 08, 2024				
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>					
<b>Name:</b>	Wyatt Throm			<b>Phone:</b>	(512) 239-1120

## 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.):**

N/A

### **E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	04/24/2024	(1943117)		
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.115(f)(1)			
	Description:	TTHM LRAA MCL 1Q2024 - During the 1st quarter of 2024 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.081 mg/L at 318 S Central, Marietta (DBP2-01). ETT Point Value = 5			

**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 11/8/2019 and 11/8/2024

- 1 Date: 01/16/2020 (1612985)  
Self Report? NO Classification: Minor  
Citation:  
Description: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(A)  
Failure to collect chlorine residuals from distribution at least once every 7 days.
- Self Report? NO Classification: Moderate  
Citation:  
Description: 30 TAC Chapter 290, SubChapter D 290.39(j)  
Failure to obtain approval for a significant change.
- Self Report? NO Classification: Minor  
Citation:  
Description: 30 TAC Chapter 290, SubChapter D 290.43(d)(3)  
Failure to have facilities to maintain the air-water-volume ratio at the design water level and working pressure on the pressure tank.
- Self Report? NO Classification: Minor  
Citation:  
Description: 30 TAC Chapter 290, SubChapter D 290.42(j)  
Failure to have NSF/ANSI Standard 60 for disinfectant used.
- 2 Date: 01/24/2023 (1867684)  
Self Report? NO Classification: Minor  
Citation:  
Description: 30 TAC Chapter 290, SubChapter D 290.46(q)(1)  
Failure to properly issue and rescind Boil Water Notices.
- 3 Date: 08/23/2023 (1943117)  
Self Report? NO Classification: Moderate  
Citation:  
Description: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
TTHM LRAA MCL 3Q2023 - During the 3rd quarter of 2023 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.088 mg/L at 318 S Central, Marietta (DBP2-01). ETT Point Value = 5
- 4\* Date: 11/03/2023 (1943117)  
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 0.083 mg/L at 318 S Central, Marietta (DBP2-01). ETT Point Value = 5
- 5\* Date: 04/24/2024 (1943117)  
Self Report? NO Classification: Moderate  
Citation:  
Description: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
TTHM LRAA MCL 1Q2024 - During the 1st quarter of 2024 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.081 mg/L at 318 S Central, Marietta (DBP2-01). ETT Point Value = 5

\* NOVs applicable for the Compliance History rating period 9/1/2019 to 8/31/2024

**Appendix B**

**All Investigations Conducted During Component Period November 08, 2019 and November 08, 2024**

Item 1	December 13, 2019**	(1612985)
Item 2	April 09, 2020**	(1638934)
Item 3	October 05, 2020**	(1670438)
Item 4	November 17, 2020**	(1686270)
Item 5	January 11, 2023**	(1867684)
Item 6	March 15, 2023**	(1880728)
Item 7	May 09, 2024**	(1943117)
Item 8	May 10, 2024**	(1987182)

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2019 and 08/31/2024.

For  
Informational  
Purposes  
Only

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF MARIETTA  
RN101416386

§ BEFORE THE  
§ TEXAS COMMISSION ON  
§ ENVIRONMENTAL QUALITY  
§

## AGREED ORDER DOCKET NO. 2024-0824-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 Marietta (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that they have certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at 111 North Pine Street in Marietta, Cass County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 103 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 on April 29, 2024 through May 10, 2024, an investigator documented that the locational running annual average concentrations of total trihalomethanes ("TTHM") for Stage 2 Disinfection Byproducts at Site 1 were 0.088 milligrams per liter ("mg/L") for the third quarter of 2023, 0.083 mg/L for the fourth quarter of 2023, and 0.081 mg/L for the first quarter of 2024.
3. The Executive Director recognizes that by July 9, 2024, the Respondent complied with the maximum contaminant level ("MCL") of 0.080 mg/L for TTHM at the Facility.

## 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 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 \$1,187 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 the \$1,187 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 Marietta, Docket No. 2024-0824-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. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
6. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

-----  
For the Commission  
  
-----  
For the Executive Director

-----  
Date  
2/18/2025  
-----  
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

-----  
11-22-2024  
-----  
Date

Charles Elliott  
-----  
Name (Printed or typed)  
Authorized Representative of  
City of Marietta

-----  
City Manager  
-----  
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.