

Executive Summary – Enforcement Matter – Case No. 66876

City of Tye

RN101385953

Docket No. 2024-1679-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 Tye PWS, located 700 feet west of Interstate 20 on South Street, Tye, Taylor 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: The complainant has expressed an interest in this matter but does not wish to speak at Agenda

Texas Register Publication Date: May 9, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$473

Total Paid to General Revenue: \$473

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - N/A

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): September 27, 2024

Complaint Information: Alleged a public water supply in Taylor County failed to issue a boil water notice.

Date(s) of Investigation: September 30, 2024 through October 1, 2024

Date(s) of NOE(s): October 8, 2024

Executive Summary – Enforcement Matter – Case No. 66876

City of Tye

RN101385953

Docket No. 2024-1679-PWS-E

Violation Information

1. Failed to monitor the disinfectant residual at representative locations in the distribution system at least once per day [30 TEX. ADMIN. CODE § 290.110(c)(4)(B)].
2. Failed to maintain a disinfectant residual of at least 0.5 milligrams per liter (“mg/L”) of chloramine (measured as total chlorine) throughout the distribution system at all times [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B) and 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On October 4, 2024, the Respondent maintained a total chlorine residual concentration of at least 0.5 mg/L of total chlorine at the Facility.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, begin monitoring the disinfectant residual throughout the distribution system at sites designated in the public water system's monitoring plan at least once every day. This provision will be satisfied upon three months of compliant monitoring; and
- b. Within 135 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: De'Shaune Blake, Enforcement Division, Enforcement Team 4, MC R-13, (210) 403-4033; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: The Honorable Gregory Treadwell, Mayor, City of Tye, P.O. Box 369, Tye, Texas 79563

Ronald Stamper, Public Works Director, City of Tye, P.O. Box 369, Tye, Texas 79563

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	14-Oct-2024	Screening	15-Oct-2024	EPA Due	
	PCW	15-Oct-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Tye
Reg. Ent. Ref. No.	RN101385953
Facility/Site Region	3-Abilene
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	66876	No. of Violations	2
Docket No.	2024-1679-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	De'Shaune Blake
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$500
---	-------------------	--------------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	7.0%	Adjustment	Subtotals 2, 3, & 7	\$35
---------------------------	-------------	-------------------	--------------------------------	-------------

Notes	Enhancement for one NOV with the same/similar violations and one NOV with dissimilar violations.
--------------	--

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
--------------------	----	-------------	--------------------	-------------------	------------

Notes	The Respondent does not meet the culpability criteria.
--------------	--

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$62
--	-------------------	--------------

Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
-------------------------	-------------	---------------------	-------------------	------------

Total EB Amounts	\$11	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$120	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$473
-----------------------------	-----------------------	--------------

OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
---	-------------	-------------------	------------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
--------------	--

Final Penalty Amount	\$473
-----------------------------	--------------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$473
-----------------------------------	-------------------------------	--------------

DEFERRAL	0.0%	Reduction	Adjustment	\$0
-----------------	-------------	------------------	-------------------	------------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.
--------------	---

PAYABLE PENALTY	\$473
------------------------	--------------

Screening Date	15-Oct-2024	Docket No.	2024-1679-PWS-E	PCW
Respondent	City of Tye			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	66876			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101385953			
Media	Public Water Supply			
Enf. Coordinator	De'Shaune Blake			

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	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 7%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with the same/similar violations and one NOV with dissimilar violations.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 7%

Screening Date 15-Oct-2024		Docket No. 2024-1679-PWS-E		PCW	
Respondent City of Tye		Policy Revision 5 (January 28, 2021)			
Case ID No. 66876		PCW Revision February 11, 2021			
Reg. Ent. Reference No. RN101385953					
Media Public Water Supply					
Enf. Coordinator De'Shaune Blake					
Violation Number		1			
Rule Cite(s)		30 Tex. Admin. Code § 290.110(c)(4)(B)			
Violation Description		Failed to monitor the disinfectant residual at representative locations in the distribution system at least once per day. Specifically, chlorine residual sampling was only being conducted once a week.			
		Base Penalty		\$5,000	
>> Environmental, Property and Human Health Matrix					
OR			Harm		
	Release	Major	Moderate	Minor	
	Actual				
	Potential		x		Percent 5.0%
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Failure to monitor the disinfectant residual at representative locations in the distribution system at least once each day could expose customers of the Facility to a significant amount of contaminants which would not exceed levels protective of human health.				
		Adjustment		\$4,750	
				\$250	
>> Violation Events					
Number of Violation Events		1		15 Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly	x			
	semiannual				
	annual				
	single event				
		Violation Base Penalty \$250			
		One quarterly event is recommended, calculated from the September 30, 2024 investigation date to the October 15, 2024 screening date.			
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		\$250	
>> Economic Benefit (EB) for this violation					
>>> Statutory Limit Test					
Estimated EB Amount		\$11		Violation Final Penalty Total \$268	
		This violation Final Assessed Penalty (adjusted for limits)		\$268	

Economic Benefit Worksheet

Respondent City of Tye
Case ID No. 66876
Reg. Ent. Reference No. RN101385953
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)				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	\$10	17-Jun-2024	20-Jan-2026	1.59	\$1	n/a	\$1
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to monitor the disinfectant residual at sample sites at representative locations at least once per day (\$10 per day), calculated from the date of the investigation initially documenting the violation 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	\$10	17-Jun-2024	15-Oct-2024	0.33	\$0	\$10	\$10
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to monitor the disinfectant residual at representative locations at least once per day (\$10 per day), calculated from the date of the investigation initially documenting the violation to the screening date.

Approx. Cost of Compliance

\$20

TOTAL

\$11

Screening Date 15-Oct-2024 Respondent City of Tye Case ID No. 66876 Reg. Ent. Reference No. RN101385953 Media Public Water Supply Enf. Coordinator De'Shaune Blake	Docket No. 2024-1679-PWS-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
---	-----------------------------------	--

Violation Number	2	
Rule Cite(s)	30 Tex. Admin. Code §§ 290.46(d)(2)(B) and 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)	
Violation Description	Failed to maintain a disinfectant residual of at least 0.5 milligrams per liter ("mg/L") of chloramine (measured as total chlorine) throughout the distribution system at all times. Specifically, on September 30, 2024 and October 1, 2024 total chlorine residual concentrations of 0.09 mg/L and 0.1 mg/L were measured at City Hall, respectively.	

Base Penalty	\$5,000
---------------------	---------

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential		x		Percent 5.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Failure to maintain proper levels of disinfection could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.
---------------------	---

Adjustment	\$4,750
-------------------	---------

	\$250
--	-------

Violation Events

Number of Violation Events	1		4	Number of violation days
----------------------------	---	--	---	--------------------------

	daily				Violation Base Penalty \$250
	weekly				
	monthly				
	quarterly	x			
	semiannual				
	annual				
	single event				

One quarterly event is recommended, calculated from the September 30, 2024 investigation date to the October 4, 2024 compliance date.

Good Faith Efforts to Comply

	25.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		
Notes	The Respondent achieved compliance on October 4, 2024.	

Violation Subtotal	\$188
---------------------------	-------

Economic Benefit (EB) for this violation

Estimated EB Amount	\$0
----------------------------	-----

Statutory Limit Test

Violation Final Penalty Total	\$206
--------------------------------------	-------

This violation Final Assessed Penalty (adjusted for limits)	\$206
--	-------

Economic Benefit Worksheet

Respondent City of Tye
Case ID No. 66876
Reg. Ent. Reference No. RN101385953
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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)	\$100	30-Sep-2024	4-Oct-2024	0.01	\$0	n/a	\$0

Notes for DELAYED costs

The Other (as needed) delayed cost includes the estimated amount to determine that cause of noncompliance, make any necessary repairs or adjustments to the Facility, and maintain a disinfectant residual of at least 0.5 mg/L total chlorine throughout the distribution system, calculated from the date of the investigation 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

TOTAL

\$0



Compliance History Report

Compliance History Report for CN600655492, RN101385953, Rating Year 2025 which includes Compliance History (CH) components from September 1, 2020, through August 31, 2025.

Customer, Respondent, or Owner/Operator: CN600655492, City of Tye

Classification: NOT APPLICABLE

Rating: N/A

Regulated Entity: RN101385953, CITY OF TYE

Classification: NOT APPLICABLE

Rating: N/A

Complexity Points: N/A

Repeat Violator: N/A

CH Group: 14 - Other

Location: 700 FEET WEST OF INTERSTATE 20 ON SOUTH STREET IN TYE, TAYLOR COUNTY, TEXAS

TCEQ Region: REGION 03 - ABILENE

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
2210011

Compliance History Period: September 01, 2020 to August 31, 2025

Rating Year: 2025

Rating Date: 09/01/2025

Date Compliance History Report Prepared: March 17, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 17, 2020 to March 17, 2025

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

Name: De'Shaune Blake

Phone: (210) 403-4033

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.):

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:	06/28/2024	(1994617)	
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.110(c)(4)(B)		
	Description:	Failure to monitor daily disinfectant residual daily in distribution.		

2	Date:	02/04/2025	(2033864)	
	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 NOVs Issued During Component Period 3/17/2020 and 3/17/2025

1	Date: 07/06/2021 (1738675)		
	Self Report? NO	Classification: Moderate	
	Citation:		
	30 TAC Chapter 290, SubChapter D 290.46(z)		
	30 TAC Chapter 290, SubChapter D 290.46(z)(1)		
	30 TAC Chapter 290, SubChapter D 290.46(z)(2)		
	30 TAC Chapter 290, SubChapter D 290.46(z)(3)		
	30 TAC Chapter 290, SubChapter D 290.46(z)(4)		
	30 TAC Chapter 290, SubChapter F 290.110(c)(5)		
	30 TAC Chapter 290, SubChapter F 290.110(c)(5)(A)		
	30 TAC Chapter 290, SubChapter F 290.110(c)(5)(B)		
	30 TAC Chapter 290, SubChapter F 290.110(c)(5)(B)(i)		
	30 TAC Chapter 290, SubChapter F 290.110(c)(5)(B)(ii)		
	30 TAC Chapter 290, SubChapter F 290.110(c)(5)(B)(iii)		
	30 TAC Chapter 290, SubChapter F 290.110(c)(5)(C)		
	30 TAC Chapter 290, SubChapter F 290.110(c)(5)(C)(i)		
	30 TAC Chapter 290, SubChapter F 290.110(c)(5)(C)(ii)		
	30 TAC Chapter 290, SubChapter F 290.110(c)(5)(C)(iii)		
	30 TAC Chapter 290, SubChapter F 290.110(c)(5)(C)(iv)		
	30 TAC Chapter 290, SubChapter F 290.110(c)(5)(C)(v)		
	30 TAC Chapter 290, SubChapter F 290.110(c)(5)(D)		
	30 TAC Chapter 290, SubChapter F 290.110(c)(5)(D)(i)		
	30 TAC Chapter 290, SubChapter F 290.110(c)(5)(D)(ii)		
	Description: Failure to perform chloramine effectiveness sampling at all required points in the system and to create a system-specific nitrification action plan (NAP).		
	Self Report? NO	Classification: Moderate	
	Citation:		
	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)		
	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iii)		
	Description: Failure to meet the service pump capacity requirement.		
	Self Report? NO	Classification: Moderate	
	Citation:		
	30 TAC Chapter 290, SubChapter D 290.44(d)(6)		
	30 TAC Chapter 290, SubChapter D 290.46(l)		
	Description: Failure to flush all dead-end mains monthly.		
	Self Report? NO	Classification: Moderate	
	Citation:		
	30 TAC Chapter 290, SubChapter F 290.110(c)(4)(B)		
	Description: Failure to monitor the chlorine residual at representative locations within distribution daily.		
	Self Report? NO	Classification: Moderate	
	Citation:		
	30 TAC Chapter 290, SubChapter D 290.44(h)(4)		
	30 TAC Chapter 290, SubChapter D 290.44(h)(4)(B)		
	30 TAC Chapter 290, SubChapter D 290.44(h)(4)(C)		
	Description: Failure to inspect backflow prevention assemblies installed to protect against a health hazard annually.		
	Self Report? NO	Classification: Moderate	
	Citation:		
	30 TAC Chapter 290, SubChapter D 290.46(f)(1)		
	30 TAC Chapter 290, SubChapter D 290.46(f)(2)		
	Description: Failure to make customer service inspection records available for review.		
	Self Report? NO	Classification: Moderate	
	Citation:		
	30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A)		
	Description: Failure to have a full-face self-contained breathing apparatus or supplied air respirator that meets Occupational Safety and Health Administration (OSHA) standards readily accessible.		
	Self Report? NO	Classification: Moderate	
	Citation:		
	30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)(I)		
	Description: Failure to provide the LAS tank with secondary containment.		

Date: 01/24/2024 (1955559)

Self Report? NO

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.46(z)
 30 TAC Chapter 290, SubChapter D 290.46(z)(1)
 30 TAC Chapter 290, SubChapter D 290.46(z)(2)
 30 TAC Chapter 290, SubChapter D 290.46(z)(3)
 30 TAC Chapter 290, SubChapter D 290.46(z)(4)
 30 TAC Chapter 290, SubChapter F 290.110(c)(5)
 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(A)
 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(B)
 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(B)(i)
 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(B)(ii)
 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(B)(iii)
 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(C)
 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(C)(i)
 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(C)(ii)
 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(C)(iii)
 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(C)(iv)
 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(C)(v)
 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(D)
 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(D)(i)
 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(D)(ii)

Description: Failure to perform chloramine effectiveness sampling at all required points in the system and to create a system-specific nitrification action plan (NAP).

Self Report? NO

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.44(d)(6)
 30 TAC Chapter 290, SubChapter D 290.46(l)

Description: Failure to flush all dead-end mains monthly.

Self Report? NO

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.110(c)(4)(B)

Description: Failure to monitor the chlorine residual at representative locations within distribution daily.

Self Report? NO

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.44(h)(4)
 30 TAC Chapter 290, SubChapter D 290.44(h)(4)(B)
 30 TAC Chapter 290, SubChapter D 290.44(h)(4)(C)

Description: Failure to inspect backflow prevention assemblies installed to protect against a health hazard annually.

Self Report? NO

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.46(f)(1)
 30 TAC Chapter 290, SubChapter D 290.46(f)(2)

Description: Failure to make customer service inspection records available for review.

Self Report? NO

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(II)

Description: Failure to record the amount of water distributed each day.

Self Report? NO

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.121(a)
 30 TAC Chapter 290, SubChapter F 290.121(b)

Description: Failure to maintain an up-to-date monitoring plan.

Self Report? NO

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.109(d)(1)(B)

Description: Failure to collect distribution coliform samples at locations specified in the system's Revised Total Coliform Rule (RTCR) Sample Siting Plan (SSP).

Self Report? NO

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.42(l)

Description: Failure to maintain a plant operations manual.

Self Report? NO

Classification: Moderate

Citation:

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)

Description: Failure to have a drought contingency plan (DCP) that includes all the minimum elements.

Self Report? NO Classification: Moderate
 Citation:

30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)

Description: Failure to verify the calibration of manual disinfectant residual analyzers at least once every 90 days.

3 Date: 06/28/2024 (1994617)

Self Report? NO Classification: Moderate
 Citation:

30 TAC Chapter 290, SubChapter F 290.110(c)(4)(B)

Description: Failure to monitor daily disinfectant residual daily in distribution.

4* Date: 02/04/2025 (2033864)

Self Report? NO Classification: Moderate
 Citation:

30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Description: Failure to maintain watertight conditions.

* NOVs applicable for the Compliance History rating period 9/1/2020 to 8/31/2025

Appendix B

All Investigations Conducted During Component Period March 17, 2020 and March 17, 2025

Item 1	August 31, 2020	(1671901)
Item 2	July 06, 2021**	(1738675)
Item 3	January 24, 2024**	(1955559)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2020 and 08/31/2025.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF TYE
RN101385953

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

AGREED ORDER DOCKET NO. 2024-1679-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 Tye (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 700 feet west of Interstate 20 on South Street in Tye, Taylor County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 643 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 an investigation at the Facility conducted on September 30, 2024 through October 1, 2024, an investigator documented that:
 - a. Chlorine residual sampling was only being conducted once a week; and
 - b. On September 30, 2024 and October 1, 2024 total chlorine residual concentrations of 0.09 milligrams per liter ("mg/L") and 0.1 mg/L were measured at City Hall, respectively.
3. The Executive Director recognizes that on October 4, 2024, the Respondent maintained a total chlorine residual concentration of at least 0.5 mg/L of total chlorine 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.a, the Respondent failed to monitor the disinfectant residual at representative locations in the distribution system at least once per day, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(B).
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to maintain a disinfectant residual of at least 0.5 mg/L of chloramine (measured as total chlorine) throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B) and 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of \$473 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 \$473 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. 5 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Tye, Docket No. 2024-1679-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, begin monitoring the disinfectant residual throughout the distribution system at sites designated in the public water system's monitoring plan at least once every day, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon three months of compliant monitoring.

- b. Within 135 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:

Water Section Manager
Abilene Regional Office
Texas Commission on Environmental Quality
1977 Industrial Boulevard
Abilene, Texas 79602-7833

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.

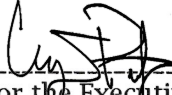
7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought 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



6/3/2025

For the Executive Director

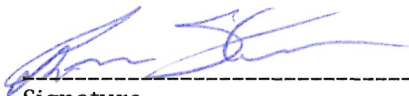
Date

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

3-27-25

Date

Donald Stamper

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

Public Works Director

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.