

TCEQ Interoffice Memorandum

To: Mary Smith, General Counsel

Thru: *MH* Megan Hamilton, Acting Assistant Deputy Director
Enforcement Division

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

Date: January 7, 2026

Subject: **Backup Revision**
January 14, 2026, Commission Agenda
Item No. 26 – City of Clyde
Docket No. 2024-1789-PWS-E

Enclosed please find the following:

Executive Summary:

- Page 1, Penalty Information, Total Due to General Revenue – Correct the amount due from \$10,065 to \$16,065

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

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

Executive Summary – Enforcement Matter – Case No. 66882

City of Clyde

RN101410751

Docket No. 2024-1789-PWS-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Clyde PWS, 3240 County Road 275 near Clyde, Callahan County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 26, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$20,665

Amount Deferred for Expedited Settlement: \$4,133

Total Paid to General Revenue: \$467

Total Due to General Revenue: \$16,065

Payment Plan: 35 payments of \$459 each

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Unclassified

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 10, 2024 through October 11, 2024

Date(s) of NOE(s): October 11, 2024

Executive Summary – Enforcement Matter – Case No. 66882

City of Clyde

RN101410751

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Past-Due Fees: No

Other: N/A

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Executive Summary – Enforcement Matter – Case No. 66882

City of Clyde

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Past-Due Fees: No

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Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 10, 2024 through October 11, 2024

Date(s) of NOE(s): October 11, 2024

Executive Summary – Enforcement Matter – Case No. 66882

City of Clyde

RN101410751

Docket No. 2024-1789-PWS-E

Violation Information

1. 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 concentration of TTHM for Stage 2 Disinfection Byproducts at Site 1 was 0.081 mg/L and at Site 2 was 0.093 mg/L for the second quarter of 2024 [30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

2. Failed to achieve a turbidity level of combined filter effluent that is less than 0.3 nephelometric turbidity unit in at least 95% of the samples tested during the months of June 2024 and July 2024 [30 TEX. ADMIN. CODE § 290.111(e)(1)(B) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

3. Failed to meet the inactivation requirements of the disinfection process used by the Facility for a period longer than four consecutive hours for seven days in July 2024 [30 TEX. ADMIN. CODE § 290.111(d)(1)(D) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures by December 1, 2024:

- i. Achieved a turbidity reading of combined filter effluent that is less than 0.3 nephelometric turbidity unit in at least 95% of the samples tested; and
- ii. Met the inactivation requirements of the disinfection process for a period longer than four consecutive hours for seven days.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 365 days, return to compliance with the MCL for TTHM based on the locational running annual average; and
- b. Within 380 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Taner Hengst, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-1143; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548

Executive Summary – Enforcement Matter – Case No. 66882
City of Clyde
RN101410751
Docket No. 2024-1789-PWS-E

Respondent: The Honorable Paul McGuire, Mayor, City of Clyde, P.O. Box 1155, Clyde, Texas, 79510-1155

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	31-Dec-2024
	PCW	7-Nov-2024				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Clyde
Reg. Ent. Ref. No.	RN101410751
Facility/Site Region	3-Abilene
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	66882	No. of Violations	3
Docket No.	2024-1789-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Taner Hengst
		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	\$18,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	19.0%	Adjustment	Subtotals 2, 3, & 7	\$3,515
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Notes: Enhancement for three NOVs with the same/similar violations and two NOVs with dissimilar violations.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,350
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$774
 Estimated Cost of Compliance: \$5,300
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$20,665
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$20,665
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$20,665
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DEFERRAL	20.0%	Reduction	Adjustment	-\$4,133
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$16,532
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Screening Date 15-Oct-2024

Docket No. 2024-1789-PWS-E

PCW

Respondent City of Clyde

Policy Revision 5 (January 28, 2021)

Case ID No. 66882

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101410751

Media Public Water Supply

Enf. Coordinator Taner Hengst

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>)	3	15%
	Other written NOVs	2	4%
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) 19%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for three NOVs with the same/similar violations and two NOVs with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 19%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 19%

Screening Date 15-Oct-2024 **Docket No.** 2024-1789-PWS-E **PCW**
Respondent City of Clyde *Policy Revision 5 (January 28, 2021)*
Case ID No. 66882 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101410751
Media Public Water Supply
Enf. Coordinator Taner Hengst

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.111(e)(1)(B) and Tex. Health § Safety Code § 341.0315(c)

Violation Description Failed to achieve a turbidity level of combined filter effluent ("CFE") that is less than 0.3 nephelometric turbidity unit ("NTU") in at least 95% of the samples tested during the months of June 2024 and July 2024.

Base Penalty \$5,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential	x				

>> **Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Failure to maintain required turbidity levels in at least 95% of samples tested each month could expose persons served by the Facility to contaminants that would exceed levels that are protective of human health.

Adjustment \$3,500

\$1,500

Violation Events

Number of Violation Events 2 60 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,000

Two single events are recommended.

Good Faith Efforts to Comply 10.0% Reduction \$300

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		x
N/A		

Notes The Respondent achieved compliance by December 1, 2024.

Violation Subtotal \$2,700

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

Estimated EB Amount \$2 **Violation Final Penalty Total** \$3,270

This violation Final Assessed Penalty (adjusted for limits) \$3,270

Economic Benefit Worksheet

Respondent City of Clyde
Case ID No. 66882
Reg. Ent. Reference No. RN101410751
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	30-Jun-2024	1-Dec-2024	0.42	\$2	n/a	\$2

Notes for DELAYED costs

The Other (as needed) delayed cost includes the estimated amount to determine the cause of noncompliance, make any necessary repairs or adjustments to the Facility, and begin maintaining the turbidity level of CFE so that at least 95% of the samples tested each month are 0.3 NTU or less, calculated from the last date of the first month of noncompliance to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

TOTAL \$2

Screening Date	15-Oct-2024	Docket No.	2024-1789-PWS-E	PCW
Respondent	City of Clyde	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	66882	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN101410751			
Media	Public Water Supply			
Enf. Coordinator	Taner Hengst			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 290.111(d)(1)(D) and Tex. Health & Safety Code § 341.0315(c)			
Violation Description	Failed to meet the inactivation requirements of the disinfection process used by the Facility for a period longer than four consecutive hours for seven days in July 2024.			
Base Penalty				\$5,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 30.0%
Potential	x				

>> Programmatic Matrix

		Harm			
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Failure to disinfect the water supply for the appropriate length of time could cause persons served by the Facility to be exposed to contaminants which would exceed levels that are protective of human health.				

Adjustment \$3,500

\$1,500

Violation Events

Number of Violation Events Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$10,500

Seven single events are recommended (one event per day).

Good Faith Efforts to Comply Reduction \$1,050

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

Notes: The Respondent achieved compliance by December 1, 2024.

Violation Subtotal \$9,450

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

Estimated EB Amount **Violation Final Penalty Total** \$11,445

This violation Final Assessed Penalty (adjusted for limits) \$11,445

Economic Benefit Worksheet

Respondent City of Clyde
Case ID No. 66882
Reg. Ent. Reference No. RN101410751
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$200	10-Oct-2024	1-Dec-2024	0.14	\$1	n/a	\$1

Notes for DELAYED costs

The delayed costs include the estimated amount to develop and implement procedures to ensure that the inactivation requirements of the Facility's disinfection process are met, calculated from the date of the record review of the violation 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

\$200

TOTAL

\$1

Screening Date 15-Oct-2024 **Docket No.** 2024-1789-PWS-E **PCW**
Respondent City of Clyde *Policy Revision 5 (January 28, 2021)*
Case ID No. 66882 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101410751
Media Public Water Supply
Enf. Coordinator Taner Hengst

Violation Number

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 concentration of TTHM for Stage 2 Disinfection Byproducts at Site 1 was 0.081 mg/L and at Site 2 was 0.093 mg/L for the second quarter of 2024.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text" value="50.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="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

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input checked="" type="text" value="x"/>
single event	<input type="text"/>

Violation Base Penalty

Two annual events are recommended (one event per site).

Good Faith Efforts to Comply Reduction

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Clyde
Case ID No. 66882
Reg. Ent. Reference No. RN101410751
Media Public Water Supply
Violation No. 3

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)	\$5,000	30-Jun-2024	12-Sep-2026	2.20	\$37	\$734	\$771
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The other (as needed) cost includes the estimated cost to investigate, identify, and implement the necessary corrective actions to return to compliance with the MCL for TTHM, calculated from the last day of the first quarter of noncompliance to the 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

\$5,000

TOTAL

\$771

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN600739510, RN101410751, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN600739510, City of Clyde **Classification:** SATISFACTORY **Rating:** 2.65

Regulated Entity: RN101410751, CITY OF CLYDE **Classification:** UNCLASSIFIED **Rating:** -----

Complexity Points: 3 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 3240 COUNTY ROAD 275 NEAR CLYDE, CALLAHAN COUNTY, TEXAS

TCEQ Region: REGION 03 - ABILENE

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
0300002

Compliance History Period: September 01, 2019 to August 31, 2024 **Rating Year:** 2024 **Rating Date:** 09/01/2024

Date Compliance History Report Prepared: March 27, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 27, 2020 to March 27, 2025

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

Name: Taner Hengst

Phone: (512) 239-1143

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 December 28, 2023 (1943982)

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: 06/27/2024 (2016606)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: TTHM LRAA MCL 2Q2024 - During the 2nd quarter of 2024 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.081 mg/L at 1109 Shaney, Clyde TX (DBP2-01); and with a LRAA of 0.093 mg/L at 1705 Little John Ct, Clyde TX (DBP2-02). ETT Point Value = 5

- 2 Date: 08/08/2024 (2003227)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B)
Page 1

Description: Failure to maintain disinfectant residual of 0.5 mg/L throughout distribution.

3 Date: 08/21/2024 (2016606)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(1)(B)
Description: SWTR Non-acute TT Violation 06/2024 – 8 % of combined filter effluent turbidity readings for the month were above 0.3 NTU at PLANT -CLYDE (TP17538). ETT Point Value = 5; Violation Determination Date = 06/30/2024

4 Date: 09/24/2024 (2016606)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(1)(B)
Description: SWTR Non-acute TT Violation 07/2024 – 5 % of combined filter effluent turbidity readings for the month were above 0.3 NTU at PLANT -CLYDE (TP17538). ETT Point Value = 5; Violation Determination Date = 07/31/2024
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(d)(1)(D)
Description: SWTR Non-acute TT Violation 07/2024 – 7 day(s) with a low CT for more than 4.0 consecutive hours at PLANT- CLYDE (TP17538). ETT Point Value = 5; Violation Determination Date = 07/14/2024

5 Date: 10/10/2024 (2016059)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)
30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B)
Description: Failure to maintain a total chlorine residual of 0.5 mg/L.

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 CLYDE
RN101410751

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2024-1789-PWS-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 Clyde (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 together stipulate that:

1. The Respondent owns and operates a public water supply located at 3240 County Road 275 near Clyde, Callahan County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 4,031 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. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE § 7.002 and TEX. HEALTH & SAFETY CODE § 341.049, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 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 \$20,665 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$467 of the penalty and \$4,133 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 \$16,065 of the undeferred penalty shall be paid in 35 monthly payments of \$459 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
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. By December 1, 2024:
 - i. Achieved a turbidity reading of combined filter effluent ("CFE") that is less than 0.3 nephelometric turbidity unit ("NTU") in at least 95% of the samples tested; and
 - ii. Met the inactivation requirements of the disinfection process for a period longer than four consecutive hours for seven days.

II. ALLEGATIONS

During a record review for the Facility conducted on October 10, 2024 through October 11, 2024, an investigator documented that the Respondent:

1. 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, in violation of 30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the locational running annual average concentration of TTHM for Stage 2 Disinfection Byproducts at Site 1 was 0.081 mg/L and at Site 2 was 0.093 mg/L for the second quarter of 2024.
2. Failed to achieve a turbidity level of CFE that is less than 0.3 NTU in at least 95% of the samples tested during the months of June 2024 and July 2024, in violation of 30 TEX. ADMIN. CODE § 290.111(e)(1)(B) and TEX. HEALTH & SAFETY CODE § 341.0315(c).

3. Failed to meet the inactivation requirements of the disinfection process used by the Facility for a period longer than four consecutive hours for seven days in July 2024, in violation of 30 TEX. ADMIN. CODE § 290.111(d)(1)(D) and TEX. HEALTH & SAFETY CODE § 341.0315(c).

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 Clyde, Docket No. 2024-1789-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 365 days after the effective date of this Order, return to compliance with the MCL for TTHM, based on the locational running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.115.
 - b. Within 380 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Drinking Water Special Functions Section Manager
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. 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

For the Commission

Date

Krista Melo-Jurack

11/20/2025

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.

Paul McGuire

Signature

7-16-2025

Date

Paul McGuire

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

Mayor

Title

If mailing address has changed, please check this box and provide the new address below:

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.