

Executive Summary – Enforcement Matter – Case No. 67001

City of Chillicothe

RN101389542

Docket No. 2024-1976-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Findings due to acute maximum contaminant level ("MCL") violations

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Chillicothe PWS, 14051 U.S. Highway 287, Chillicothe, Hardeman County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2023-1596-PWS-E

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 8, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$3,250

Amount Deferred for Naturally Occurring Inorganic Contaminants: \$2,500

Total Paid to General Revenue: \$750

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - High

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: October 28, 2024

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

Executive Summary – Enforcement Matter – Case No. 67001

City of Chillicothe

RN101389542

Docket No. 2024-1976-PWS-E

Violation Information

1. Failed to comply with the acute MCL of 10 milligrams per liter for nitrate [30 TEX. ADMIN. CODE § 290.106(f)(2) and TEX. HEALTH & SAFETY CODE § 341.031(a)].
2. Failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director (“ED”) [30 TEX. ADMIN. CODE § 290.117(c)(2)(C), (h), and (i)(1)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all future lead and copper tap samples are collected, analyzed, and the results are reported to the ED within ten days following the end of each monitoring period; and
 - ii. Collect the required number of lead and copper tap samples, have the samples analyzed, and report the results to the ED within ten days following the end of the monitoring period. This provision will be satisfied upon the timely delivery of all lead and copper tap sampling results to the ED for one compliant monitoring period.
- b. Within 45 days, submit written certification to demonstrate compliance with a.i.
- c. Within 180 days, submit an acceptable written plan, including a proposed schedule and any applicable planning materials, to the ED that provides for an alternate water source, treatment technology, or other means of completing the necessary corrective actions to achieve compliance within 1,095 days with the acute MCL for nitrate.
- d. Within 195 days, submit written certification to demonstrate compliance with c.
- e. Within 210 days, submit written certification to demonstrate compliance with a.ii.
- f. Within 365 days and on a semi-annual basis thereafter, submit progress reports. These reports shall include information regarding actions taken to provide water which meets the acute MCL for nitrate.

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RN101389542

Docket No. 2024-1976-PWS-E

g. Within 1,095 days, return to compliance with the acute MCL for nitrate based on the single sample concentration.

h. Within 1,110 days, submit written certification to demonstrate compliance with g.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Corinna Willis, Enforcement Division, Enforcement Team 5, MC 219, (512) 239-2504; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: The Honorable Cathy Young, Mayor, City of Chillicothe, P.O. Box 546, Chillicothe, Texas 79225

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	13-Nov-2024	Screening	13-Nov-2024	EPA Due	
	PCW	22-Dec-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Chillicothe (PCW No. 1 of 2)				
Reg. Ent. Ref. No.	RN101389542				
Facility/Site Region	3-Abilene	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	67001	No. of Violations	1
Docket No.	2024-1976-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Corinna Willis
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,500
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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	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes: Enhancement for two NOVs with the same/similar violations. Reduction for High Performer classification.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$8,715
Estimated Cost of Compliance \$40,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,500
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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	\$2,500
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,500
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DEFERRAL	100.0%	Reduction	Adjustment	-\$2,500
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

The Executive Director recommends a conditional deferral for naturally occurring constituents.

PAYABLE PENALTY	\$0
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Screening Date	13-Nov-2024	Docket No.	2024-1976-PWS-E	PCW
Respondent	City of Chillicothe (PCW No. 1 of 2)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	67001			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101389542			
Media	Public Water Supply			
Enf. Coordinator	Corinna Willis			

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>)	2	10%
	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) 10%

>> Repeat Violator (Subtotal 3)

N/A Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes	Enhancement for two NOVs with the same/similar violations. Reduction for High Performer classification.
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Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date

13-Nov-2024

Docket No.

2024-1976-PWS-E

PCW

Respondent

City of Chillicothe (PCW No. 1 of 2)

Case ID No.

67001

Reg. Ent. Reference No.

RN101389542

Media

Public Water Supply

Enf. Coordinator

Corinna Willis

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code § 290.106(f)(2) and Tex. Health & Safety Code § 341.031(a)

Violation Description

Failed to comply with the acute maximum contaminant level ("MCL") of 10 milligrams per liter ("mg/L") for nitrate. Specifically, the average concentration of the original and the confirmation sample for nitrate was 14 mg/L for the second quarter of 2024.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

x

Potential

Percent

50.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent

0.0%

Matrix Notes

Exceeding the acute MCL for nitrate caused the persons served by the Facility to be exposed to pollutants which exceed levels protective of human health.

Adjustment

\$2,500

\$2,500

Violation Events

Number of Violation Events

1

90

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty

\$2,500

One quarterly event is recommended.

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

\$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$8,715

Violation Final Penalty Total

\$2,500

This violation Final Assessed Penalty (adjusted for limits)

\$2,500

Economic Benefit Worksheet

Respondent City of Chillicothe (PCW No. 1 of 2)
Case ID No. 67001
Reg. Ent. Reference No. RN101389542
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)	\$40,000	30-Jun-2024	10-Aug-2027	3.11	\$415	\$8,300	\$8,715
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 delayed cost includes the amount to investigate, identify, and implement the necessary corrective actions to return to compliance with the acute MCL for nitrate, calculated from the last day of the first monitoring period 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

\$40,000

TOTAL

\$8,715



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	13-Nov-2024	Screening	13-Nov-2024	EPA Due	
	PCW	22-Dec-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Chillicothe (PCW No. 2 of 2)				
Reg. Ent. Ref. No.	RN101389542				
Facility/Site Region	3-Abilene	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	67001	No. of Violations	1
Docket No.	2024-1976-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Corinna Willis
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$750
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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	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes: Enhancement for two NOV's with the same/similar violations. Reduction for High Performer classification.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$306
Estimated Cost of Compliance: \$400
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$750
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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	\$750
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$750
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral not offered for Findings Order.

PAYABLE PENALTY	\$750
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Screening Date	13-Nov-2024	Docket No.	2024-1976-PWS-E	PCW
Respondent	City of Chillicothe (PCW No. 2 of 2)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	67001			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101389542			
Media	Public Water Supply			
Enf. Coordinator	Corinna Willis			

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>)	2	10%
	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) 10%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with the same/similar violations. Reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date	13-Nov-2024	Docket No.	2024-1976-PWS-E	PCW
Respondent	City of Chillicothe (PCW No. 2 of 2)			Policy Revision 5 (January 28, 2021)
Case ID No.	67001			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN101389542			
Media	Public Water Supply			
Enf. Coordinator	Corinna Willis			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 290.117(c)(2)(C), (h), and (i)(1)			
Violation Description	Failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2022 through December 31, 2024 monitoring period.			
		Base Penalty	\$5,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major Moderate Minor		
	Actual Potential			
		x		Percent 15.0%
>>Programmatic Matrix				
	Falsification	Major	Moderate	Minor
				Percent 0.0%
Matrix Notes	Failure to collect lead and copper tap samples could expose persons served by the Facility to undetected contaminants which would exceed levels protective of human health.			
		Adjustment	\$4,250	
			\$750	
Violation Events				
	Number of Violation Events	1	16	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		Violation Base Penalty \$750
	One single event is recommended.			
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	\$750	
Economic Benefit (EB) for this violation				
	Statutory Limit Test			
	Estimated EB Amount	\$306	Violation Final Penalty Total	\$750
	This violation Final Assessed Penalty (adjusted for limits)			\$750

Economic Benefit Worksheet

Respondent City of Chillicothe (PCW No. 2 of 2)
Case ID No. 67001
Reg. Ent. Reference No. RN101389542
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	\$100	28-Oct-2024	10-Aug-2025	0.78	\$4	n/a	\$4
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 implement improvements to the Facility's process procedures, training, and/or oversight to ensure that future lead and copper tap samples are collected by the Facility's personnel, analyzed, and the results reported to the Executive Director in a timely manner, calculated from the record review date 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	\$300	30-Sep-2024	13-Nov-2024	0.12	\$2	\$300	\$302
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to collect and have analyzed the required lead and copper samples (\$30 per sample x ten missed samples x one monitoring period), calculated from the last date in which sampling was required to the date of screening.

Approx. Cost of Compliance

\$400

TOTAL

\$306



Compliance History Report

Compliance History Report for CN600337331, RN101389542, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator:	CN600337331, City of Chillicothe	Classification:	HIGH	Rating:	0.00
Regulated Entity:	RN101389542, CITY OF CHILLICOTHE	Classification:	NOT APPLICABLE	Rating:	N/A
Complexity Points:	N/A	Repeat Violator:	N/A		
CH Group:	14 - Other				
Location:	14051 UNITED STATES HIGHWAY 287 IN CHILLICOTHE, HARDEMAN COUNTY, TEXAS				
TCEQ Region:	REGION 03 - ABILENE				
ID Number(s):					
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION 0990001				

Compliance History Period:	September 01, 2019 to August 31, 2024	Rating Year:	2024	Rating Date:	09/01/2024
Date Compliance History Report Prepared:	March 31, 2025				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	March 31, 2020 to March 31, 2025				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Corinna Willis		Phone:	(512) 239-2504	

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 | July 16, 2020 | (1658576) |
| Item 2 | October 29, 2024 | (2022184) |
- 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: | 06/12/2024 | (2022932) | |
| | Self Report? | NO | | Classification: Major |
| | Citation: | 30 TAC Chapter 290, SubChapter F 290.106(f)(2) | | |
| | Description: | NO3 AMCL 2Q2024 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 14 mg/L collected on 06/06/2024 and 06/13/2024. ETT Point Value = 10 | | |

Date: 10/24/2024 (2022932)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF CHILLICOTHE
RN101389542

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

AGREED ORDER DOCKET NO. 2024-1976-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 Chillicothe (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 system located at 14051 United States Highway 287 in Chillicothe, Hardeman County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 340 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(73).
2. During a record review for the Facility conducted on October 28, 2024 through November 8, 2024, an investigator documented that:
 - a. The average concentration of the original and the confirmation sample for nitrate was 14 milligrams per liter ("mg/L") for the second quarter of 2024; and,
 - b. The Respondent did not collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2022 through December 31, 2024 monitoring period.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to comply with the acute maximum contaminant level ("MCL") of 10 mg/L for nitrate, in violation of 30 TEX. ADMIN. CODE § 290.106(f)(2) and TEX. HEALTH & SAFETY CODE § 341.031(a).
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.117(c)(2)(C), (h), and (i)(1).
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 \$3,250 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 \$750 of the penalty. The TCEQ has determined that Conclusion of Law No. 2 of this Order qualifies for 100% deferral. Therefore, the remaining amount of \$2,500 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any requirement contained in this Order, the Executive Director may demand payment of all or part of the conditionally deferred penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 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 Chillicothe, Docket No. 2024-1976-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:
 - i. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all future lead and copper tap samples are collected, analyzed, and the results are reported to the Executive Director within ten days following the end of each monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117; and
 - ii. Collect the required number of lead and copper tap samples, have the samples analyzed, and report the results to the Executive Director within ten days following the end of the monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117. This provision will be satisfied upon the timely delivery of all lead and copper tap sampling results to the Executive Director for one compliant monitoring period.
- b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.i.
- c. Within 180 days after the effective date of this Order, submit an acceptable written plan, including a proposed schedule and any applicable planning materials, to the Executive Director that provides for an alternate water source, treatment technology, or other means of completing the necessary corrective actions to achieve compliance within 1,095 days after the effective date of this Order with the acute MCL for nitrate to the addresses listed in Ordering Provision No. 2.h below.
- d. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.
- e. Within 210 days after the effective date of this Order, submit written certification as described in Ordering Provision 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.ii.
- f. Within 365 days after the effective date of this Order and on a semi-annual basis thereafter, submit progress reports to the addresses listed in Ordering Provision No. 2.h below. These reports shall include information regarding actions taken to provide water which meets the acute MCL for nitrate.
- g. Within 1,095 days after the effective date of this Order, return to compliance with the acute MCL for nitrate based on the single sample concentration, in accordance with 30 TEX. ADMIN. CODE § 290.106.
- h. Within 1,110 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.g. 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. 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

Krista Mello-Jurack

09/07/2025

For the Executive Director

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.

Cathy Young

Signature

6-5-25

Date

Cathy Young

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

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.