

Jon Niermann, Chairman
Bobby Janecka, Commissioner
Catarina R. Gonzales, Commissioner
Kelly Keel, Executive Director



PWS_0710001_CO_20240822_NOV LCR

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 22, 2024

ANTHONY TURNER
TOWN OF ANTHONY
PO BOX 1269
ANTHONY, TX 79821-1269

**Subject: NOTICE OF VIOLATION
LEAD AND COPPER INITIAL OR ROUTINE TAP SAMPLING REQUIREMENTS
TOWN OF ANTHONY - PWS ID NO. 0710001
EL PASO COUNTY, TEXAS**

Attention: Public Water System Owner / Manager / Operator

The purpose of this letter is to inform you that the public water system (PWS) referenced above has violated the lead and copper reporting requirements under the Lead and Copper Rule (LCR). Please note that this violation was issued for failure to complete all required lead and copper tap monitoring and/or report results to the TCEQ by the deadline. **The system is next scheduled to complete lead and copper tap monitoring during the JULY 1ST - DECEMBER 31ST 2024 monitoring period.**

Title 30 of the Texas Administrative Code (30 TAC), Chapter 290, Section 290.117, *Regulation of Lead and Copper* and Title 40 of the Code of Federal Regulations (40 CFR), Chapter I, Subchapter D, Part 141, Subpart I, *Control of Lead and Copper*, establishes requirements for community and nontransient noncommunity public water systems (PWSs) to meet designated lead and copper levels and water quality parameter ranges. Public water systems must control the levels of lead and copper in drinking water by controlling the corrosivity of the water.

The Texas Commission on Environmental Quality (TCEQ) requires community and non-transient non-community PWSs to monitor for lead and copper in the distribution system in accordance with 30 TAC, Chapter 290, Section 290.117(c)(2). In addition, the PWS is required to report any sample results in accordance with 30 TAC, Chapter 290, Section 290.117(i). **Based on our most recent records review, the PWS has a lead and copper reporting violation for the following period:**

JANUARY 1ST - JUNE 30TH 2024

Please note the required steps for the PWS to resolve this violation below:

Provide public notification to customers within 1 year from the date of this letter in accordance with 30 TAC §290.122. Send a copy of the public notice and a signed Certificate of Delivery to the TCEQ. The PWS can email items to PWSPN@tceq.texas.gov or mail hard copies to:

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

The TCEQ recommends that the public water system provide a copy of the public notice to local and state officials, such as Mayors, City Council Members, County Commissioners, Judges, and/or State Representatives, that located in or that represent the affected area(s) served by the system.

Monitoring/Reporting violations may occur due to errors caused by laboratory data reporting procedures. If you believe that you received this violation due to a laboratory reporting error, please contact the TCEQ as soon as possible but no later than 45 days from the date of this letter so that TCEQ can investigate the matter. Please be aware that you may be asked to provide supporting documentation from your laboratory to substantiate the laboratory error.

Prepare for the next Lead and Copper Rule (LCR) tap monitoring JULY 1ST - DECEMBER 31ST 2024. TCEQ's Texas Drinking Water Watch is available to view and confirm your PWS's Lead and Copper Rule (LCR) sampling requirements, sample results, sampling schedules, violations, points of contact, and more, located at:

www.tceq.texas.gov/goto/dww

The TCEQ provides necessary compliance guidance, forms, laboratory information, sampling instructions, and monitoring schedules on the TCEQ Drinking Water Lead and Copper Program webpage, located at:

www.tceq.texas.gov/drinkingwater/chemicals/lead_copper

You can receive free, on-site assistance with financial, managerial, and technical topics. The TCEQ's Financial, Managerial, and Technical (FMT) Assistance Program utilizes qualified contractors to assist PWSs in understanding TCEQ rules, avoiding violations, corrosion control issues, and submitting technical reports. Please email **FMT@tceq.texas.gov** or call (512) 239-4691 and ask to speak to an FMT coordinator for more information.

If you have questions concerning this letter or require additional assistance regarding lead and copper monitoring requirements for your PWS, please contact the TCEQ LCR program at (512) 239-4691 or **PWSLCR@tceq.texas.gov**.

Sincerely,



Laura Higgins, Manager
Drinking Water Standards Section (MC-155)
Water Supply Division
Texas Commission on Environmental Quality

Enclosures: Mandatory Tier II Public Notice Language
Certification of Delivery for Tier II Public Notice

cc: TCEQ Region 6
ISABEL MARTINEZ, PO BOX 1269, ANTHONY, TX 79821-1269

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

TOWN OF ANTHONY has violated the monitoring and reporting requirements set by Texas Commission on Environmental Quality (TCEQ) in Chapter 30, Section 290, Subchapter F. Even though these were not emergencies, as our customers, you have the right to know what happened and what we are doing (or did) to correct these situations.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During [compliance period] we [did not monitor or test – or – did not complete all monitoring or testing] for [contaminant(s)] and therefore cannot be sure of the quality of your drinking water during that time.

The table below lists the contaminant(s) we did not properly test for during the last year, how often we are supposed to sample for [these contaminants], how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which the follow-up samples were [or will be] taken.

| Contaminant | Required sampling frequency | Number of samples taken | When samples should have been taken | When samples were or will be taken |
|---|-----------------------------|-------------------------|-------------------------------------|------------------------------------|
| <i>Lead and copper tap water sampling</i> | | | | |
| <i>Lead and Copper entry point sampling</i> | | | | |
| <i>Water quality parameters</i> | | | | |

What is being done?

We are working to correct the problem. For more information, please contact [name of contact] at [phone number] or [mailing address].

Please share this information with all other people who drink this water, especially those who may not have received this notice directly (i.e., people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by _____. Public Water System Number: TX _____
Date Distributed: _____

Instructions for preparing the required Public Notice:

Recopy the mandatory language above and insert the underlined information in the spaces indicated.

Public Notice delivery timelines:

The initial public notice shall be issued as soon as possible, but in no case later than 12 months following the initial violation. All notifications require the attached Certificate of Delivery due 10 days from the posting date of the above notice. Public notice delivery may be provided by the Consumer Confidence Report (CCR), if 12 month requirement is met. Refer to 30 TAC §290.122 for additional information on Public Notification.



PWS_0710001_CO_____PN

Texas Commission on Environmental Quality

CERTIFICATE OF DELIVERY OF TIER III PUBLIC NOTICE TO CUSTOMERS:

Public Water System (PWS) name: TOWN OF ANTHONY

PWS ID: 0710001

| Type of Violation or Situation | Time Period(s) of Violation | # Samples Required | # Samples Submitted |
|--------------------------------|-----------------------------|--------------------|---------------------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

30 TAC 290.122(c) states that the owner or operator of a PWS who fails to perform required monitoring, fails to comply with a test procedure, or is subject to variance or exemption granted under §290.102(b) shall notify persons served by the system no later than one year after the PWS learns of the violation. The initial public notice shall be issued in the following manner:

Please indicate how the PWS provided this public notice to customers, mark all that apply:

COMMUNITY WATER SYSTEM:

- ☐ Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered **OR**
- ☐ Reporting in the Consumer Confidence Report (CCR) **(At least one of these two options is required)**
AND any other method reasonably calculated to reach other persons served by the PWS such as (choose one or more below):
 - ☐ Delivery of multiple copies for distribution to others (i.e. apartment building owners, large private employers)
 - ☐ Continuous posting in conspicuous public places within the area served
 - ☐ On the internet
 - ☐ Electronic delivery or alert systems (e.g., reverse 911)
 - ☐ Delivery to community organizations

NONCOMMUNITY WATER SYSTEM:

- ☐ Continuously post Notice in conspicuous places within affected PWS or service area **OR**
- ☐ Mail or direct delivery to each customer or service connection **(At least one of these two options is required)**
AND any other method reasonably calculated to reach other persons served by the PWS such as (choose one or more below):
 - ☐ Publication in a local newspaper or newsletter distributed to customers
 - ☐ E-mail to notify employees or students
 - ☐ Electronic delivery or alert systems (e.g., reverse 911)
 - ☐ Delivery of multiple copies to central locations (e.g., community centers, large employers)

☐ On the internet

In accordance with 30 TAC §290.122(g), all public water systems that are required to issue public notice to persons in accordance with 30 TAC §290.122, and that sell or otherwise provide drinking water to other public water systems (i.e., consecutive systems), shall provide public notice to the owner or operator of the consecutive systems.

☐ This PWS provides water to consecutive systems and those systems have been provided public notice.

Notice to Consecutive Systems was delivered on: _____ (date) by the following means: _____

Comments: _____

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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."

NOTE: 30 TAC 290.122(f) requires the PWS to provide a copy of the Public Notice issued and a signed Certificate of Delivery to the Executive Director within 10 days.

Date of Delivery to Customers: _____ Phone: _____
Certified by (print name): _____ Title: _____
Signature: _____ Date: _____

Submit a copy of the Public Notice delivered to customers and a copy of this completed Certificate of Delivery to the TCEQ at:

E-mail: pwspn@tceq.texas.gov

Mail: TCEQ, Water Supply Division, MC-155
Attn: Public Notice
P.O. Box 13087
Austin, TX 78711-3087

A Word version of the PN and COD are located on the TCEQ web page titled 'Public Notice Language for Drinking Water Compliance':

https://www.tceq.texas.gov/drinkingwater/public_notice.html