



Texas Commission on Environmental Quality

Protecting Texas by Reducing and Preventing Pollution

April 24, 2024

Delivered Via Certified Mail DWQ/NOV/02/1025

BORDEN COUNTY

SHANE WALKER, COUNTY JUDGE

117 E WASSON RD

GAIL, TX 79738-4005

SUBJECT: Notice of Violation: FLUORIDE MCL, AVERAGE

30 TAC §290.106(f) - MCL Based on Running Annual Average (RAA)

BORDEN COUNTY WATER SYSTEM - PWS ID NO. TX0170010

BORDEN County, TX

This letter contains important information about compliance requirements for your public water system.

Attention: Public Water System Owner / Manager / Operator

The Texas Commission on Environmental Quality (TCEQ) has determined that **BORDEN COUNTY WATER SYSTEM** has violated the maximum contaminant level (MCL) for fluoride in the water supplied to its customers. This violation occurred during quarter two 2024. Title 30 Texas Administrative Code (30 TAC) §290.106 describes how we determined that this violation occurred.

The MCL for fluoride is 4.0 milligrams per liter (mg/L) based on a running annual average (RAA). From the data contained in the attached report, we determined a compliance value for fluoride in quarter two 2024 of 5.4 mg/L for EP001.

Your public water system is required to issue public notification to your customers about the MCL violation as soon as possible, but no later than 90 days after the date the violation was identified in accordance with 30 TAC §290.122. You are required to repeat the notice every three months for as long as the violation persists. You should use the same method that you used for the initial notice.

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

The public notice must use the enclosed mandatory language for every notice, and include a brief statement about how you plan to address the problem as described in 30 TAC §290.122(d). This statement must describe what actions the water system is taking to correct the violation and when the water system expects to return to compliance. Please send a copy of the public notification and a signed Certificate of Delivery for Public Notice to this office within 10 days after it has been delivered. Mail to:

Drinking Water Inventory and Protection Team
TCEQ Public Drinking Water (MC-155)
P.O. Box 13087
Austin TX 78711-3087

Please note that enforcement actions resulting from noncompliance may result in fines for each violation.

To view your public water system information, including the status of your violation(s), and public notice requirements, visit Texas Drinking Water Watch at:
<<http://dww2.tceq.texas.gov/DWW/>>

If you have not already done so, we encourage you to seek assistance. One form of assistance we can offer is through the TCEQ Directed Assistance Contract that is designed to offer free assistance to public water supplies in financial, managerial and technical areas. Please call the financial, managerial, and technical (FMT) assistance program at (512) 239-4691 and ask for a referral for "MCL violation directed assistance." If you would prefer, you can contact a member of the Drinking Water Quality Team at PWSCHEM@tceq.texas.gov to assist you with this referral.

If you have questions regarding this **MCL violation**, please contact:

Drinking Water Standards Section, Drinking Water Quality Team
Phone: (512) 239-4691
Email: PWSChem@tceq.texas.gov

If you have questions regarding **public notice requirements**, please contact:

Kristine Krieg, Public Notice Compliance Coordinator
Phone: 512-239-5723
Fax: (512) 239-3666
Email: PWSPN@tceq.texas.gov

Sincerely,



Laura Higgins, Section Manager
Drinking Water Standards Section
Water Supply Division
Texas Commission on Environmental Quality

LH/av
Enclosures
cc: TCEQ Region 7

MACIE JUSTICE, OPERATOR PO BOX 156 GAIL, TX 79738-0156

**Violation Sample Results Report:
BORDEN COUNTY WATER SYSTEM PWS ID: TX0170010**

EP001

Violation ID Number	Monitoring Period	Violation Description	Analyte Description	Calculated Compliance Value
960007215	2Q2024	MCL, AVERAGE	FLUORIDE	5.4 mg/L

Results for Quarter 2 of 2024: FLUORIDE

Sample ID:Q2415496002 04/03/2024 TRT-TAP W SIDE OF COURTHOUSE 5.46 mg/L

Results for Quarter 1 of 2024: FLUORIDE

Sample ID:Q2400499004 01/04/2024 TRT-TAP W SIDE OF COURTHOUSE 5.28 mg/L

Results for Quarter 4 of 2023: FLUORIDE

Sample ID:Q2342691002 10/04/2023 TRT-TAP W SIDE OF COURTHOUSE 5.48 mg/L

Results for Quarter 3 of 2023: FLUORIDE

Sample ID:Q2326072002 07/05/2023 TRT-TAP W SIDE OF COURTHOUSE 5.19 mg/L



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CERTIFICATE OF DELIVERY OF PUBLIC NOTICE TO CUSTOMERS

Public Water System (PWS) name: **BORDEN COUNTY WATER SYSTEM**
PWS ID (7-digit number required): **TX0170010**
Type violation: **FLUORIDE MCL, AVERAGE**
Time Period of violation: **second quarter of 2024**

The PWS named above has distributed the Public Notice (PN) for the type of violation and time period listed above by:

Mail or direct delivery, to bill-paying customers as required by 30 TAC §290.122(b)(2)(A) for community water systems; and

The information contained in this public notification is correct and complies with required public notification content in accordance with 30 TAC §290.122 **and;**

Made an adequate good-faith effort to reach non-bill-paying consumers by appropriate methods (check all below that apply):

- Posting the PN on the internet at www.co.borden.tx.us/page/borden.Water
- Mailing the PN to postal patrons within the service area that do not receive a bill department
- Advertising the PN in news media
- Publication of PN in local newspaper
- Posting the PN in public places
- Delivery of multiple copies to single bill addresses serving several persons
- Delivery to community organizations
- Email notification

Date of Delivery to Customers 5/3/2024

"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."

Certified by: Name (print): Shane Walker Title: County Judge
 Phone: 806-756-4391
 Signature: [Signature] Date Signed: 5-6-2024

Mail a copy of this completed form and a copy of the Public Notice that was delivered to your customers to:

TCEQ - Drinking Water Inventory & Protection Team
Attn: Public Notice (MC-155)
P. O. Box 13087
Austin, TX 78711-3087

**Mandatory Language for a Maximum Contaminant Level Violation
MCL, AVERAGE / FLUORIDE**

The Texas Commission on Environmental Quality (TCEQ) has notified the BORDEN COUNTY WATER SYSTEM TX0170010 that the drinking water being supplied to customers had exceeded the Maximum Contaminant Level (MCL) for fluoride. The U.S. Environmental Protection Agency (U.S. EPA) has established the MCL for fluoride to be 4.0 milligrams per liter (mg/L) based on running annual average (RAA), and has determined that it is a health concern at levels above the MCL. Analysis of drinking water in your community for fluoride indicates a compliance value in quarter two 2024 of 5.4 mg/L for EP001.

This is not an emergency. However, some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining and/or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums.

An alternate source of water should be provided to the affected population, which consists of children less than nine years old. The alternate water should be used for drinking and cooking only. However, if you have health concerns, you may want to talk to your doctor to get more information about how this may affect you.

We are taking the following actions to address this issue:

Installing a Fluoride/Arsenic system

<corrective actions>

Please share this information with all 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.

If you have questions regarding this matter, you may contact Shaw Walker at 806-756-4391.
<area code + phone number> **<water system official's name>**

Posted /Delivered on: _____
<Date Posted>

Instructions for preparing the required Public Notice:

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

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

Public Notice delivery timelines:

The initial public notice shall be issued as soon as possible, but in no case later than 90 days after the violation was identified. Repeat public notice shall be issued every 90 days for as long as the violation persists. All notifications require the attached Certificate of Delivery due 10 days from the posting date of the above notice.

Refer to 30 TAC §290.122 for additional information on Public Notification.