

From: Gary Chauvin <gary.chauvin@tceq.texas.gov>
Subject: Regarding your February 22 E-mail
Date: March 1, 2016 at 5:19:16 PM PST
To: Doug Cragoe <cragoe@sbcglobal.net>
Cc: Mike Hardison <mike.hardison@tceq.texas.gov>, Cari-Michel Lacaille <cari-michel.lacaille@tceq.texas.gov>, Jennelle Crane <jennelle.crane@tceq.texas.gov>, Kimberly Horndeski <Kimberly.Horndeski@Tceq.Texas.Gov>

March 1, 2016

Dear Mr. Cragoe,

Thank you for your email dated February 22, 2016 which was forwarded to the Texas Commission on Environmental Quality's (TCEQ) Water Supply Division for a response. In your email, you expressed concerns for Texas' public water system's responsibility to notify their customers of secondary constituent levels of fluoride in their drinking water. In addition, staff from the Water Supply Division also addressed your concerns in follow-up phone conversations with you. I hope you find the following information helpful.

The United States Environmental Protection Agency (EPA) established regulations for fluoride in drinking water in 1986. A non-enforceable Maximum Contaminant Level Goal (MCLG) and enforceable Maximum Contaminant Level (MCL), both set at 4 milligrams per liter (mg/L), were established to protect against crippling skeletal fluorosis. The EPA also established a non-enforceable Secondary Maximum Contaminant Level (SCL) of 2 mg/L to protect against moderate dental fluorosis (discoloration of the tooth enamel), a cosmetic effect.

In an effort to ensure accurate and timely chemical compliance data from public water systems, the TCEQ utilizes a third-party contractor to collect all chemical compliance samples, such as fluoride, for public water systems. This allows the public water system, TCEQ, and the public to be made aware of public water system chemical MCL violations and requires public notice. Title 30 of the Texas Administrative Code (30 TAC) Chapter 290, Section 290.118(g)(1-2) of the TCEQ's rules require community and non-transient non-community public water systems that exceed the secondary maximum constituent level for fluoride but are below the maximum contaminant level must notify the public. The notice must be made annually by including it with the water bill or by separate mailing to all customers. If a system exceeds the secondary constituent levels, notice must be given to new customers and in the annual consumer confidence report.

Every year TCEQ mails a courtesy letter regarding the CCR requirements for reporting the previous calendar year's drinking water information. TCEQ will include information to remind public water systems to report any SCL exceedances over 2 mg/L to their customers as well as the requirement to include special notice language.

The TCEQ strives to ensure that all public water systems have the capability to operate successfully and provides compliance assistance and information to public water systems regarding state and federal regulations. The TCEQ contracts with the Texas Rural Water Association to assist systems with financial, managerial, and technical expertise and compliance with state and federal public notice regulations. In addition with providing free technical assistance, the TCEQ's Water Supply Division staff assists public water systems by presenting

compliance information and can remind public water systems of this special notice through workshops and various presentations at the TCEQ's free Public Drinking Water Conference, Drinking Water Advisory Workgroups, utility stakeholder groups, and TCEQ's Trade Fair.

We appreciate your concerns about drinking water quality in Texas and thank you for your inquiry. If you have further questions or need additional assistance concerning drinking water quality, please contact Gary.Chauvin@tceq.texas.gov or at [\(512\) 239-1687](tel:512-239-1687).

Sincerely,
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Water Supply Division
Texas Commission on Environmental Quality
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[Texas Drinking Water Watch: http://dww2.tceq.texas.gov/DWW/](http://dww2.tceq.texas.gov/DWW/)

From: Doug Cragoe <cragoe@sbcglobal.net>
Subject: TCEQ not instructing water systems to follow EPA rules regarding fluoride notifications
Date: February 22, 2016 at 1:08:54 AM PST
To: ac@tceq.texas.gov
Cc: Fraud@tceq.texas.gov

This may not be a case of waste, fraud, or abuse. But with a quick search the TCEQ website I did not find another good e-mail to send this to, beyond the general e-mail I've also sent this to.

I found a Tulia Texas recent annual water quality report. They had more than 2ppm fluoride in the water. I spoke to the person in charge, Steve Stout. He was not aware of any fluoride notifications required by the EPA. He then contacted TCEQ. He later informed me that he was sending out letters to all of the system's water customers with the required EPA notification. I suspect he was advised to do that by TCEQ, because that is what the EPA rules say. He also told me the city of Tulia did not test their water for fluoride - TCEQ did that. Is it true that TCEQ tested Tulia's water for fluoride?

It turns out Tuila is not an isolated case. I've just started looking at other Texas water systems. Here's a recent report from a system with over 2ppm fluoride in the water, and no required EPA advisory: <http://www.canyontx.com/DocumentCenter/View/2191> This water system has not had any fluoride advisory for 3 recent years in their report, although they have been over 2ppm each year.

The city of Abernathy has had fluoride above 2ppm and no advisory for years. <http://www.cityofabernathy.org/Notices/CCR2014.pdf>
I'm sure I will find many more examples.

Not having any advisory in their reports seems like a clear violation of EPA rules. And it's unlikely any other means were used to provide a notification to customers. Will you be contacting all the water systems in the state with more than 2ppm fluoride and instructing them to send out letters to their customers if they have no proper notification in their water quality report?

Thanks for your reply.

-Doug Cragoe