

City of Gorman
RN101198794
Docket No. 2022-1702-PWS-E

Order Type:
 Agreed Order

Media:
 PWS

Small Business:
 N/A

Location Where Violations Occurred:
 116 South Kent, Gorman, Eastland County

Type of Operation:
 public water system

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: April 3, 2026

Comments Received: None

Penalty Information

Total Penalty Assessed: \$16,746

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Supplemental Environmental Project (“SEP”) Conditional Offset: \$16,746

Name of SEP: Water Line Repairs and Alternate Capacity Request

Compliance History Classifications:
 Person/CN - High
 Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: January 28, 2021

Investigation Information

Complaint Date: September 27, 2022

Complaint Information: A complainant alleges a public water system in Eastland county is supplying poor quality water.

Date of Investigation: September 28, 2022 through October 11, 2022

Date of NOV: N/A

Date of NOE: December 9, 2022

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Violation Information

1. Failed to create a nitrification action plan ("NAP") for a system distributing chloraminated water [30 TEX. ADMIN. CODE § 290.46(z)].
2. Failed to conduct chloramine effectiveness sampling to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled [30 TEX. ADMIN. CODE § 290.110(c)(5)].
3. Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system ("PWS") will use to comply with the monitoring requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b)].
4. Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted [30 TEX. ADMIN. CODE § 290.46(i)].
5. Failed to have all backflow prevention assemblies ("BPAs") tested upon installation and on an annual basis by a recognized backflow assembly tester and certify that they are operating within specifications [30 TEX. ADMIN. CODE § 290.44(h)(4)].
6. Failed to properly complete a test report by the recognized BPA tester for each assembly tested on a form approved by the Executive Director [30 TEX. ADMIN. CODE § 290.44(h)(4)(C)].
7. Failed to ensure additional protection was provided at all residences or establishments where an actual or potential contamination hazard exists in the form of an air gap or a BPA as identified in 30 TEX. ADMIN. CODE § 290.47(f) [30 TEX. ADMIN. CODE § 290.44(h)(1)(A)].
8. Failed to provide a total storage capacity of 200 gallons per connection [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(ii)].
9. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(iv) and (f)(3)(E)(ii)].
10. Failed to meet the conditions for an issued exception [30 TEX. ADMIN. CODE § 290.39(l)(5)].
11. Failed to maintain a disinfectant residual of at least 0.5 milligram per liter ("mg/L") of chloramine (measured as total chlorine) throughout the distribution system at all times [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B) and 290.110(b)(4)].

Corrective Actions/Technical Requirements

Corrective Actions Completed:

1. By September 28, 2022, began maintaining a disinfectant residual of at least 0.5 mg/L of chloramine (measured as total chlorine) throughout the distribution system.
2. By November 1, 2022, provided the dead-end main flushing logs.
3. By December 13, 2022, provided a service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted.
4. By January 23, 2023, provided fully completed BPA test reports that were completed on Commission approved forms for the Birdsong Peanuts-Boiler Room West Wall, the Birdsong Peanuts-Boiler Room North East, the Gorman Milling-North Boiler Room, and the Higginbotham Funeral Home.

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Technical Requirements:

1. Within 30 days:
 - a. Create a NAP;
 - b. Begin collecting all required chloramine effectiveness samples to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled;
 - c. Update the Facility's operational guidance and conduct employee training to ensure that all BPAs are tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications;
 - d. Ensure that a proper BPA or air gap is provided at the location where an actual or potential contamination hazard exists, specifically at the following locations: Zj's Cafe & Bar at 107 South Kent Street, Josefina's Mexican Food at 109 East Roberts, Spirit BBQ at 107 Briscoe Street, Mi Casa Restaurant at 419 Lubbock Street, Gorman Swimming Pool, Gorman Middle School at 114 Lexington, and Gorman High School at 503 South Second Street; and
 - e. Compile and maintain properly completed water works operation and maintenance records, including but not limited to, the results of chemical analyses.
2. Within 45 days submit written certification to demonstrate compliance with Technical Requirement Nos. 1.a. and 1.c. through 1.e.
3. Within 60 days:
 - a. Maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements including but not limited to updating the plan with the correct sample frequency and current sampling schedule for all analytes sampled, including: chlorine residual, Stage 2 Disinfection Byproducts, lead and copper, nitrate, nitrite, and asbestos, laboratory information for lead and copper, revising physical locations at which samples are being collected, updating calculation sections for all; and
 - b. Ensure that all BPAs are tested upon installation and on an annual basis by a recognized backflow assembly tester and certify that they are operating within specifications.
4. Within 75 days submit written certification to demonstrate compliance with Technical Requirement Nos. 3.a. and 3.b.
5. Within 90 days begin complying with the site specific requirements established by the Executive Director including but not limited to calibrating and maintaining the alarms that automatically notify the PWS operator of the loss of system pressure in accordance with the manufacturer's recommendations.
6. Within 105 days submit written certification to demonstrate compliance with Technical Requirement No. 5.
7. Within 180 days provide a total storage capacity of 200 gallons per connection.
8. Within 195 days submit written certification to demonstrate compliance with Technical Requirement No. 7.
9. Within 225 days, submit written certification to demonstrate compliance with Technical Requirement No. 1.b.

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Litigation Information

Date Petition Filed: May 20, 2025
Date of Service: May 23, 2025
Settlement Date: March 4, 2026

Contact Information

TCEQ Attorneys: Casey Kurnath, Litigation Division, (512) 239-3400
Sheldon Wayne, Public Interest Counsel, (512) 239-6363

TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575

TCEQ SEP Coordinator: Carlos Flores, Litigation Division, (512) 239-0648

TCEQ Enforcement Coordinator: Wyatt Throm, Enforcement Division, (512) 239-6704

TCEQ Regional Contact: Jennifer Meador, Abilene Regional Office, (325) 698-9674

Respondent Contact: David Perry, City of Gorman, P.O. Box 236, Gorman, Texas 76454

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	12-Dec-2022	Screening	16-Dec-2022	EPA Due	
	PCW	16-Dec-2022				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Gorman
Reg. Ent. Ref. No.	RN101198794
Facility/Site Region	3-Abilene
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	63435	No. of Violations	11
Docket No.	2022-1702-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Dalton Wallace
		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	\$13,575
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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	24.0% Adjustment	Subtotals 2, 3, & 7	\$3,258
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Notes: Enhancement for one NOV with same/similar violations, two NOVs with a dissimilar violations, and one agreed order without a denial of liability. 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	-\$87
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$10,966
 Estimated Cost of Compliance: \$58,222
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$16,746
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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	\$16,746
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$16,746
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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 non-expedited settlement.

PAYABLE PENALTY	\$16,746
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Screening Date 16-Dec-2022

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PCW

Respondent City of Gorman

Policy Revision 5 (January 28, 2021)

Case ID No. 63435

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101198794

Media Public Water Supply

Enf. Coordinator Dalton Wallace

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>)	1	5%
	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	1	25%
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) 34%

>> 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 one NOV with same/similar violations, two NOVs with a dissimilar violations, and one agreed order without a denial of liability. Reduction for High Performer Classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 24%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 24%

Screening Date 16-Dec-2022

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PCW

Respondent City of Gorman

Policy Revision 5 (January 28, 2021)

Case ID No. 63435

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101198794

Media Public Water Supply

Enf. Coordinator Dalton Wallace

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.46(z)

Violation Description

Failed to create a nitrification action plan ("NAP") for a system distributing chloraminated water.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent 10.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 1

79 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

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 \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$37

Violation Final Penalty Total \$620

This violation Final Assessed Penalty (adjusted for limits) \$620

Economic Benefit Worksheet

Respondent City of Gorman
Case ID No. 63435
Reg. Ent. Reference No. RN101198794
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)	\$180	9-Oct-2020	1-Dec-2024	4.15	\$37	n/a	\$37

Notes for DELAYED costs

The delayed cost includes the estimated amount to create a system-specific NAP, calculated from the date of the investigation initially documenting the violation 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

\$180

TOTAL

\$37

Screening Date 16-Dec-2022
Respondent City of Gorman

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PCW

Policy Revision 5 (January 28, 2021)

Case ID No. 63435

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101198794

Media Public Water Supply

Enf. Coordinator Dalton Wallace

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.110(c)(5)

Violation Description Failed to conduct chloramine effectiveness sampling to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				3.0%
	Potential			x	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

Failure to conduct required sampling for chloraminated water entering the distribution system could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,850

\$150

Violation Events

Number of Violation Events 1 79 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$150

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

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

Violation Subtotal \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$132

Violation Final Penalty Total \$186

This violation Final Assessed Penalty (adjusted for limits) \$186

Economic Benefit Worksheet

Respondent City of Gorman
Case ID No. 63435
Reg. Ent. Reference No. RN101198794
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	\$100	9-Oct-2020	1-Dec-2024	4.15	\$21	n/a	\$21
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 collect chloramine effectiveness samples to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled, calculated from the date of the investigation initially documenting the violation 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	\$100	9-Oct-2020	16-Dec-2022	2.19	\$11	\$100	\$111
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	The avoided cost includes the estimated amount to collect chloramine effectiveness samples to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled, calculated from the date of the investigation initially documenting the violation to the date of screening.						

Approx. Cost of Compliance

\$200

TOTAL

\$132

Screening Date 16-Dec-2022

Docket No. 2022-1702-PWS-E

PCW

Respondent City of Gorman

Policy Revision 5 (January 28, 2021)

Case ID No. 63435

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101198794

Media Public Water Supply

Enf. Coordinator Dalton Wallace

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.121(a) and (b)

Violation Description

Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements. Specifically, the monitoring plan did not have the correct sample frequency and current sampling schedule for all analytes sampled, including: chlorine residual, Stage 2 Disinfection Byproducts, lead and copper, nitrate, nitrite, and asbestos, not all laboratory information was provided for lead and copper, physical locations at which samples are being collected needed to be revised, calculation sections needed to be updated for all analytes sampled, the drinking water laboratory approval form was missing, the plant schematic was missing, and the microbial sampling locations in the chemical and microbiological monitoring plan and the system's Sample Siting Plan did not match each other.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
		x		2.5%

Matrix Notes 30% to 70% of the rule requirements were not met.

Adjustment \$4,875

\$125

Violation Events

Number of Violation Events 1 79 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$125

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 \$125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$155

This violation Final Assessed Penalty (adjusted for limits) \$155

Economic Benefit Worksheet

Respondent City of Gorman
Case ID No. 63435
Reg. Ent. Reference No. RN101198794
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)				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)	\$45	9-Oct-2020	1-Jan-2025	4.23	\$10	n/a	\$10

Notes for DELAYED costs

The delayed cost includes the estimated amount to update and begin maintaining an up-to-date chemical and microbiological monitoring plan, calculated from the date of the investigation initially documenting the violation 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 \$45

TOTAL \$10

Screening Date 16-Dec-2022

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PCW

Respondent City of Gorman

Policy Revision 5 (January 28, 2021)

Case ID No. 63435

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101198794

Media Public Water Supply

Enf. Coordinator Dalton Wallace

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.46(i)

Violation Description

Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted. Specifically, the Customer Service Agreement form prohibited pipe or pipe fittings which contain more than 8.0% lead, which was greater than the most current regulatory level of 0.25% lead.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Less than 30% of the rule requirements was not met.

Adjustment \$4,950

\$50

Violation Events

Number of Violation Events 1 79 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction \$5

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

Notes The Respondent achieved compliance on December 13, 2022.

Violation Subtotal \$45

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$57

This violation Final Assessed Penalty (adjusted for limits) \$57

Economic Benefit Worksheet

Respondent City of Gorman
Case ID No. 63435
Reg. Ent. Reference No. RN101198794
Media Public Water Supply
Violation No. 4

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)	\$45	28-Sep-2022	13-Dec-2022	0.21	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to adopt an adequate plumbing ordinance, regulations, or service agreement, calculated from the date of the investigation 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

\$45

TOTAL

\$0

Screening Date 16-Dec-2022

Docket No. 2022-1702-PWS-E

PCW

Respondent City of Gorman

Policy Revision 5 (January 28, 2021)

Case ID No. 63435

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101198794

Media Public Water Supply

Enf. Coordinator Dalton Wallace

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.44(h)(4)

Violation Description Failed to have all backflow prevention assemblies ("BPAs") tested upon installation and on an annual basis by a recognized backflow assembly tester and certify that they are operating within specifications. Specifically, the BPA installed at the Birdsong Peanuts-Boiler Room West Hall had not been tested since March 11, 2021.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (15.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0.0%).

Matrix Notes Failure to test the BPAs on an annual basis would not ensure the device is operating properly which could result in a reverse flow of contaminants entering into the water mains which would exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 10 280 Number of violation days

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event) and Count.

Violation Base Penalty \$7,500

Ten monthly events are recommended, calculated from the date of the last BPA test, March 11, 2022, to the date of screening, December 16, 2022.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table with columns: Effort Level (Extraordinary, Ordinary, N/A) and Status (Before NOE/NOV, NOE/NOV to EDRP/Settlement Offer).

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$47

Violation Final Penalty Total \$9,300

This violation Final Assessed Penalty (adjusted for limits) \$9,300

Economic Benefit Worksheet

Respondent City of Gorman
Case ID No. 63435
Reg. Ent. Reference No. RN101198794
Media Public Water Supply
Violation No. 5

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-Sep-2022	1-Dec-2024	2.18	\$11	n/a	\$11
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$31	11-Mar-2022	1-Jan-2025	2.81	\$4	n/a	\$4

Notes for DELAYED costs

The Training/Sampling delayed cost includes the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that all BPAs are tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications, calculated from the date of the investigation to the estimated date of compliance.

The Other (as needed) delayed cost includes the estimated amount to test the BPA (\$31 x one location), calculated from the date the last BPA test should have been conducted 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	\$31	11-Mar-2022	16-Dec-2022	0.77	\$1	\$31	\$32
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to test the BPA (\$31 x one location), calculated from the date the last BPA test should have been conducted to the date of screening.

Approx. Cost of Compliance \$162

TOTAL \$47

Screening Date 16-Dec-2022 **Docket No.** 2022-1702-PWS-E **PCW**
Respondent City of Gorman *Policy Revision 5 (January 28, 2021)*
Case ID No. 63435 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101198794
Media Public Water Supply
Enf. Coordinator Dalton Wallace

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.44(h)(4)(C)

Violation Description

Failed to properly complete a test report by the recognized BPA tester for each assembly tested on a form approved by the Executive Director. Specifically, the BPA tester used by the system was not always using the correct Commission Form 20700 to report tests and did not fully complete the forms for the Birdsong Peanuts-Boiler Room West Wall, the Birdsong Peanuts-Boiler Room North East, the Gorman Milling-North Boiler Room, and the Higginbotham Funeral Home.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
				x	1.0%

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment \$4,950

\$50

Violation Events

Number of Violation Events 4 79 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$200

Four single events are recommended (one for each incomplete report).

Good Faith Efforts to Comply 10.0% Reduction \$20

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

Notes The Respondent achieved compliance on January 23, 2023.

Violation Subtotal \$180

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

Estimated EB Amount \$1 **Violation Final Penalty Total** \$228

This violation Final Assessed Penalty (adjusted for limits) \$228

Economic Benefit Worksheet

Respondent City of Gorman
Case ID No. 63435
Reg. Ent. Reference No. RN101198794
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

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	\$45	28-Sep-2022	23-Jan-2023	0.32	\$1	n/a	\$1
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 estimated amount to ensure that the properly completed and approved form is being used for annual backflow prevention tests, calculated from the date of the investigation 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

\$45

TOTAL

\$1

Screening Date 16-Dec-2022

Docket No. 2022-1702-PWS-E

PCW

Respondent City of Gorman

Policy Revision 5 (January 28, 2021)

Case ID No. 63435

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101198794

Media Public Water Supply

Enf. Coordinator Dalton Wallace

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 290.44(h)(1)(A)

Violation Description

Failed to ensure additional protection was provided at all residences or establishments where an actual or potential contamination hazard exists in the form of an air gap or a BPA, as identified in 30 Tex. Admin. Code § 290.47(f). Specifically, the Respondent did not ensure that additional protection was provided at the following locations: Zj's Cafe & Bar at 107 South Kent Street, Josefina's Mexican Food at 109 East Roberts, Spirit BBQ at 107 Briscoe Street, Mi Casa Restaurant at 419 Lubbock Street, Gorman Swimming Pool, Gorman Middle School at 114 Lexington, and Gorman High School at 503 South Second Street.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				15.0%
	Potential	x			

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%

Matrix Notes

Failure to have additional protections may allow backflow and siphonage to occur resulting in persons served by the Facility being exposed to contaminants which would exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 3 79 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$2,250

Three monthly events are recommended, calculated from the date of the investigation, September 28, 2022, to the date of screening, December 16, 2022.

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 \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$152

Violation Final Penalty Total \$2,790

This violation Final Assessed Penalty (adjusted for limits) \$2,790

Economic Benefit Worksheet

Respondent City of Gorman
Case ID No. 63435
Reg. Ent. Reference No. RN101198794
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$1,000	28-Sep-2022	1-Dec-2024	2.18	\$7	\$145	\$152
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to ensure additional protection is provided in the form of an air gap or by installing an atmospheric vacuum breaker, calculated from the date of the investigation 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

\$1,000

TOTAL

\$152

Screening Date 16-Dec-2022

Docket No. 2022-1702-PWS-E

PCW

Respondent City of Gorman

Policy Revision 5 (January 28, 2021)

Case ID No. 63435

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101198794

Media Public Water Supply

Enf. Coordinator Dalton Wallace

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(D)(ii) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to provide a total storage capacity of 200 gallons per connection. Specifically, the Facility had 505 connections requiring a total storage capacity of 101,000 gallons. However, only 75,000 gallons of storage tank capacity was provided, indicating a 26% deficiency.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to provide adequate storage capacity could expose persons served by the Facility to significant amounts of contaminants that would not exceed levels that are protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 79 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$250

One quarterly event is recommended, calculated from the date of the investigation, September 28, 2022, to the date of screening, December 16, 2022.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10,474

Violation Final Penalty Total \$310

This violation Final Assessed Penalty (adjusted for limits) \$310

Economic Benefit Worksheet

Respondent City of Gorman
Case ID No. 63435
Reg. Ent. Reference No. RN101198794
Media Public Water Supply
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$55,900	28-Sep-2022	1-Jun-2025	2.68	\$499	\$9,975	\$10,474
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 estimated amount to provide a total storage capacity of at least 200 gallons per connection (\$2.15 x 26,000 gallons), calculated from the date of the investigation 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	\$55,900	TOTAL	\$10,474
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Screening Date 16-Dec-2022

Docket No. 2022-1702-PWS-E

PCW

Respondent City of Gorman

Policy Revision 5 (January 28, 2021)

Case ID No. 63435

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101198794

Media Public Water Supply

Enf. Coordinator Dalton Wallace

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(iv) and (f)(3)(E)(ii)

Violation Description Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records of the results of chemical analyses and the dates that the dead-end mains were flushed were not maintained on-site for review.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				x	1.0%
Less than 30% of the rule requirements were not met.					

Adjustment \$4,950

\$50

Violation Events

Number of Violation Events 1 79 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

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 \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5 Violation Final Penalty Total \$62

This violation Final Assessed Penalty (adjusted for limits) \$62

Economic Benefit Worksheet

Respondent City of Gorman
Case ID No. 63435
Reg. Ent. Reference No. RN101198794
Media Public Water Supply
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

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	\$45	28-Sep-2022	1-Dec-2024	2.18	\$5	n/a	\$5
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 estimated amount to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request, calculated from the date of the investigation 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

\$45

TOTAL

\$5

Screening Date	16-Dec-2022	Docket No.	2022-1702-PWS-E	PCW
Respondent	City of Gorman			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	63435			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101198794			
Media	Public Water Supply			
Enf. Coordinator	Dalton Wallace			
Violation Number	10			
Rule Cite(s)	30 Tex. Admin. Code § 290.39(I)(5)			
Violation Description	Failed to meet the conditions for an issued exception. Specifically, the Respondent was unable to provide documentation noting it was complying with all the conditions to their exception to allow an in-line booster pump station granted on July 17, 2019, by calibrating the alarms that alert the Respondent when the pressure is below 35 pounds per square inch.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential	x			Percent 15.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes: Failure to meet the exception requirements could expose persons served by the Facility to contaminants which would exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events: 3 79 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$2,250

Three monthly events are recommended, calculated from the date of the investigation, September 28, 2022, to the date of screening, December 16, 2022.

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 \$2,250

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

Estimated EB Amount \$108 **Violation Final Penalty Total** \$2,790

This violation Final Assessed Penalty (adjusted for limits) \$2,790

Economic Benefit Worksheet

Respondent City of Gorman
Case ID No. 63435
Reg. Ent. Reference No. RN101198794
Media Public Water Supply
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

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

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)	\$500	9-Oct-2020	1-Feb-2025	4.32	\$108	n/a	\$108

Notes for DELAYED costs

The delayed cost includes the estimated amount to meet the conditions for the issued exception, calculated from the date of the investigation initially documenting the violation 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

\$500

TOTAL

\$108

Screening Date 16-Dec-2022

Docket No. 2022-1702-PWS-E

PCW

Respondent City of Gorman

Policy Revision 5 (January 28, 2021)

Case ID No. 63435

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101198794

Media Public Water Supply

Enf. Coordinator Dalton Wallace

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code §§ 290.46(d)(2)(B) and 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to maintain a disinfectant residual of at least 0.5 milligram per liter ("mg/L") of chloramine (measured as total chlorine) throughout the distribution system at all times. Specifically, on September 28, 2022, a total chlorine residual concentration of 0.11 mg/L was measured at the flush valve at 1302 County Road 321.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				5.0%
	Potential		x		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Failure to maintain proper levels of disinfection could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 Number of violation days 1

daily		Violation Base Penalty \$250
weekly		
monthly		
quarterly	x	
semiannual		
annual		
single event		

One quarterly event is recommended, calculated from the date of the investigation, September 28, 2022 to the date of compliance, September 28, 2022.

Good Faith Efforts to Comply

25.0% Reduction \$62

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

Notes The Respondent achieved compliance on September 28, 2022.

Violation Subtotal \$188

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0 Violation Final Penalty Total \$248

This violation Final Assessed Penalty (adjusted for limits) \$248

Economic Benefit Worksheet

Respondent City of Gorman
Case ID No. 63435
Reg. Ent. Reference No. RN101198794
Media Public Water Supply
Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

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

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	28-Sep-2022	28-Sep-2022	0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to determine the cause of noncompliance, make any necessary repairs or adjustments to the Facility, and maintain a disinfectant residual of at least 0.5 mg/L total chlorine throughout the distribution system, calculated from the date of the investigation 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

\$0

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 CN600643985, RN101198794, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN600643985, City of Gorman **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN101198794, CITY OF GORMAN **Classification:** NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 14 - Other

Location: 116 SOUTH KENT IN GORMAN, EASTLAND COUNTY, TEXAS

TCEQ Region: REGION 03 - ABILENE

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
0670003

Compliance History Period: September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

Date Compliance History Report Prepared: May 16, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 16, 2019 to May 16, 2024

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Dalton Wallace **Phone:** (512) 239-6704

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:

- 1 Effective Date: 11/09/2021 ADMINORDER 2020-1116-PWS-E (Findings Order-Agreed Order Without Denial)
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)
- Description: TTHM LRAA MCL 2Q2020 - During the 2nd quarter of 2020 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.092 mg/L at 815 N Winkler, Gorman (DBP2-01) and with a LRAA of 0.103 mg/L at Corner of Crescent and McCall, Gorman (DBP2-02).
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)
- Description: TTHM LRAA MCL 1Q2020 - During the 1st quarter of 2020 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.091 mg/L at 815 N Winkler, Gorman (DBP2-01) and with a LRAA of 0.099 mg/L at Corner of Crescent and McCall, Gorman (DBP2-02).
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)
- Description: TTHM LRAA MCL 4Q2019 - During the 4th quarter of 2019 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.086 mg/L at 815 N Winkler, Gorman (DBP2-01) and with a LRAA of 0.090 mg/L at Corner of Crescent and McCall, Gorman (DBP2-02).

B. Criminal convictions:

N/A

- 2 Date: 04/08/2020 (1664018)
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: TTHM LRAA MCL 1Q2020 - During the 1st quarter of 2020 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.091 mg/L at 815 N Winkler, Gorman (DBP2-01) and with a LRAA of 0.099 mg/L at Corner of Crescent and McCall, Gorman (DBP2-02).
- 3 Date: 07/08/2020 (1664018)
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: TTHM LRAA MCL 2Q2020 - During the 2nd quarter of 2020 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.092 mg/L at 815 N Winkler, Gordan (DBP2-01) and with a LRAA of 0.103 mg/L at Corner of Crescent and McCall, Gorman (DBP2-02).
- 4 Date: 12/08/2020 (1692993)
Self Report? NO Classification: Minor
Citation:
30 TAC Chapter 290, SubChapter D 290.46(l)
Description: Failure to flush all dead-end mains.
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 290, SubChapter F 290.110(c)(4)(B)
Description: Failure to monitor the chlorine residual daily at locations representative of the distribution system.
Self Report? NO Classification: Minor
Citation:
30 TAC Chapter 290, SubChapter D 290.46(z)
30 TAC Chapter 290, SubChapter D 290.46(z)(1)
30 TAC Chapter 290, SubChapter D 290.46(z)(2)
30 TAC Chapter 290, SubChapter D 290.46(z)(3)
30 TAC Chapter 290, SubChapter D 290.46(z)(4)
Description: Failure to have a nitrification action plan.
Self Report? NO Classification: Minor
Citation:
30 TAC Chapter 290, SubChapter F 290.110(c)(5)
30 TAC Chapter 290, SubChapter F 290.110(c)(5)(A)
30 TAC Chapter 290, SubChapter F 290.110(c)(5)(B)
30 TAC Chapter 290, SubChapter F 290.110(c)(5)(B)(i)
30 TAC Chapter 290, SubChapter F 290.110(c)(5)(B)(ii)
30 TAC Chapter 290, SubChapter F 290.110(c)(5)(B)(iii)
30 TAC Chapter 290, SubChapter F 290.110(c)(5)(C)

30 TAC Chapter 290, SubChapter F 290.110(c)(5)(C)(i)
30 TAC Chapter 290, SubChapter F 290.110(c)(5)(C)(ii)
30 TAC Chapter 290, SubChapter F 290.110(c)(5)(C)(iii)
30 TAC Chapter 290, SubChapter F 290.110(c)(5)(C)(iv)
30 TAC Chapter 290, SubChapter F 290.110(c)(5)(C)(v)
30 TAC Chapter 290, SubChapter F 290.110(c)(5)(D)
30 TAC Chapter 290, SubChapter F 290.110(c)(5)(D)(i)
30 TAC Chapter 290, SubChapter F 290.110(c)(5)(D)(ii)
Description: Failure to perform chloramine effectiveness sampling at all required locations and the required frequency.
Self Report? NO Classification: Minor
Citation:
30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)
30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)
30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(iii)
Description: Failure to properly calibrate chlorine analyzers.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(D)
 Description: Failure to properly calibrate the analyzers used to determine the effectiveness of chloramination.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.39(l)
 30 TAC Chapter 290, SubChapter D 290.39(l)(4)
 30 TAC Chapter 290, SubChapter D 290.39(l)(5)
 Description: Failure to comply with the conditions established for a granted exception.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.121
 30 TAC Chapter 290, SubChapter F 290.121(a)
 30 TAC Chapter 290, SubChapter F 290.121(b)(1)
 30 TAC Chapter 290, SubChapter F 290.121(b)(1)(A)
 30 TAC Chapter 290, SubChapter F 290.121(b)(1)(C)
 30 TAC Chapter 290, SubChapter F 290.121(b)(2)
 30 TAC Chapter 290, SubChapter F 290.121(b)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.121(b)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.121(b)(5)
 30 TAC Chapter 290, SubChapter F 290.121(b)(6)
 30 TAC Chapter 290, SubChapter F 290.121(b)(8)
 30 TAC Chapter 290, SubChapter F 290.121(d)(2)
 Description: Failure to have an up-to-date monitoring plan.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
 Description: Failure to maintain a minimum chlorine residual of 0.5 mg/L throughout the distribution system.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(t)
 Description: Failure to post proper ownership signs at all system facilities.

5* Date: 03/03/2023 (1908970)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
 5A THSC Chapter 341, SubChapter A 341.0315(c)
 Description: TTHM LRAA MCL 1Q2023 - During the 1st quarter of 2023 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.107 mg/L at 815 N Winkler, Gorman (DBP2-01) and with a LRAA of 0.102 mg/L at Corner of Crescent and McCall, Gorman (DBP2-02). ETT Point Value = 5

6* Date: 05/26/2023 (1908970)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
 5A THSC Chapter 341, SubChapter A 341.0315(c)
 Description: TTHM LRAA MCL 2Q2023 - During the 2nd quarter of 2023 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.111 mg/L at 815 N Winkler, Gorman (DBP2-01) and with a LRAA of 0.103 mg/L at Corner of Crescent and McCall, Gorman (DBP2-02). ETT Point Value = 5

7* Date: 06/23/2023 (1909674)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
 Description: Failure to maintain a minimum chlorine residual of 0.5 mg/L throughout the distribution system.

8* Date: 07/17/2023 (1908970)

Self Report? NO

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: TTHM LRAA MCL 4Q2022 - During the 4th quarter of 2022 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.093 mg/L at 815 N Winkler (DBP2-01) and with a LRAA of 0.091 mg/L at Corner of Crescent and McCall, Gorman (DBP2-02). ETT Point Value = 5

* NOVs applicable for the Compliance History rating period 9/1/2018 to 8/31/2023

Appendix B

All Investigations Conducted During Component Period May 16, 2019 and May 16, 2024

Item 1	July 21, 2020**	(1664018)
Item 2	July 24, 2020**	(1664298)
Item 3	December 08, 2020**	(1692993)
Item 4	August 23, 2023**	(1908970)
Item 5	August 25, 2023**	(1923901)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2018 and 08/31/2023.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT
ACTION CONCERNING
CITY OF GORMAN;
RN101198794

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER

DOCKET NO. 2022-1702-PWS-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Gorman ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent together stipulate that:

1. Respondent owns and operates a public water system ("PWS") located at 116 South Kent in Gorman, Eastland County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 505 service connections, and/or serves at least 25 people per day for at least 60 days per year. As such, the Facility is a PWS as defined in 30 TEX. ADMIN. CODE § 290.38.
2. The Executive Director and Respondent agree that TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE § 7.002 and TEX. HEALTH & SAFETY CODE § 341.049, and that 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 Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$16,746 is assessed by the Commission in settlement of the violations alleged in Section II. Pursuant to TEX. WATER CODE § 7.067, \$16,746 of the penalty shall be conditionally offset by Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the SEP Agreement ("Attachment A" - incorporated herein by reference). Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes any payment schedule and the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.
5. The Executive Director and Respondent agree on a settlement of the matters addressed in this Order, 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 Respondent has not complied with one or more of the terms or conditions contained 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 full compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that Respondent implemented the following corrective measures at the Facility:
 - a. By September 28, 2022, began maintaining a disinfectant residual of at least 0.5 milligram per liter ("mg/L") of chloramine (measured as total chlorine) throughout the distribution system;
 - b. By November 1, 2022, provided the dead-end main flushing logs;
 - c. By December 13, 2022, provided a service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted; and
 - d. By January 23, 2023, provided fully completed backflow prevention assembly ("BPA") test reports that were completed on Commission approved forms for the Birdsong Peanuts-Boiler Room West Wall, the Birdsong Peanuts-Boiler Room North East, the Gorman Milling-North Boiler Room, and the Higginbotham Funeral Home.

II. ALLEGATIONS

1. During an investigation conducted September 28, 2022 through October 11, 2022, an investigator documented that Respondent:
 - a. Failed to create a nitrification action plan ("NAP") for a system distributing chloraminated water, in violation of 30 TEX. ADMIN. CODE § 290.46(z);
 - b. Failed to conduct chloramine effectiveness sampling to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(5);
 - c. Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the PWS will use to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b). Specifically, the monitoring plan did not have the correct sample frequency and current sampling schedule for all analytes sampled, including: chlorine residual, Stage 2 Disinfection Byproducts, lead and copper, nitrate, nitrite, and asbestos, not all laboratory information was provided for lead and copper, physical locations at which samples are being collected needed to be revised, calculation sections needed to be updated for all analytes sampled, the drinking water laboratory approval form was missing, the plant schematic was missing, and the microbial sampling locations in the chemical and microbiological monitoring plan and the system's Sample Siting Plan did not match each other;
 - d. Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted, in violation of 30 TEX. ADMIN. CODE § 290.46(i). Specifically, the Customer Service Agreement form prohibited pipe or pipe fittings which contain more than 8.0% lead, which was greater than the most current regulatory level of 0.25% lead;
 - e. Failed to have all BPAs tested upon installation and on an annual basis by a recognized backflow assembly tester and certify that they are operating within specifications, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(4). Specifically, the

- BPA installed at the Birdsong Peanuts-Boiler Room West Hall had not been tested since March 11, 2021;
- f. Failed to properly complete a test report by the recognized BPA tester for each assembly tested on a form approved by the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(4)(C). Specifically, the BPA tester used by the system was not always using the correct Commission Form 20700 to report tests and did not fully complete the forms for the Birdsong Peanuts-Boiler Room West Wall, the Birdsong Peanuts-Boiler Room North East, the Gorman Milling-North Boiler Room, and the Higginbotham Funeral Home;
 - g. Failed to ensure additional protection was provided at all residences or establishments where an actual or potential contamination hazard exists in the form of an air gap or a BPA, as identified in 30 TEX. ADMIN. CODE § 290.47(f), in violation of 30 TEX. ADMIN. CODE § 290.44(h)(1)(A). Specifically, Respondent did not ensure that additional protection was provided at the following locations: Zj's Cafe & Bar at 107 South Kent Street, Josefina's Mexican Food at 109 East Roberts, Spirit BBQ at 107 Briscoe Street, Mi Casa Restaurant at 419 Lubbock Street, Gorman Swimming Pool, Gorman Middle School at 114 Lexington, and Gorman High School at 503 South Second Street;
 - h. Failed to provide a total storage capacity of 200 gallons per connection, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(ii). Specifically, the Facility had 505 connections requiring a total storage capacity of 101,000 gallons. However, only 75,000 gallons of storage tank capacity was provided, indicating a 26% deficiency;
 - i. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(iv) and (f)(3)(E)(ii). Specifically, records of the results of chemical analyses and dates that the dead-end mains were flushed were not maintained on-site for review;
 - j. Failed to meet the conditions for an issued exception, in violation of 30 TEX. ADMIN. CODE § 290.39(l)(5). Specifically, Respondent was unable to provide documentation noting it was complying with all the conditions to their exception to allow an in-line booster pump station granted on July 17, 2019, by calibrating the alarms that alert the Respondent when the pressure is below 35 pounds per square inch; and
 - k. Failed to maintain a disinfectant residual of at least 0.5 mg/L of chloramine (measured as total chlorine) throughout the distribution system at all times, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B) and 290.110(b)(4). Specifically, on September 28, 2022, a total chlorine residual concentration of 0.11 mg/L was measured at the flush valve at 1302 County Road 321.

III. DENIALS

Respondent generally denies each Allegation in Section II.

IV. ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Section I, Paragraph 4. The payment of this penalty and 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 actions or penalties for violations which are not raised here. Payment payments shall be made payable to TCEQ and shall be

sent with the notation "Re: City of Gorman, Docket No. 2022-1702-PWS-E" to:

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

2. Respondent shall implement and complete a SEP as set forth in Section I, Paragraph 4. The amount of \$16,746 of the assessed administrative penalty is conditionally offset based on Respondent's implementation and completion of a SEP pursuant to the terms and conditions contained in the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Create a NAP, in accordance with 30 TEX. ADMIN. CODE 290.46;
 - ii. Begin collecting all required chloramine effectiveness samples to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon six consecutive months of compliant monitoring;
 - iii. Update the Facility's operational guidance and conduct employee training to ensure that all BPAs are tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications, in accordance with 30 TEX. ADMIN. CODE § 290.44;
 - iv. Ensure that a proper BPA or air gap is provided at the location where an actual or potential contamination hazard exists, specifically at the following locations: Zj's Cafe & Bar at 107 South Kent Street, Josefina's Mexican Food at 109 East Roberts, Spirit BBQ at 107 Briscoe Street, Mi Casa Restaurant at 419 Lubbock Street, Gorman Swimming Pool, Gorman Middle School at 114 Lexington, and Gorman High School at 503 South Second Street, in accordance with 30 TEX. ADMIN. CODE 290.44; and
 - v. Compile and maintain properly completed water works operation and maintenance records, including but not limited to, the results of chemical analyses, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.j. to demonstrate compliance with Ordering Provision Nos. 3.a.i and 3.a.iii. through 3.a.v.
 - c. Within 60 days after the effective date of this Order:
 - i. Maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements including but not limited to updating the plan with the correct sample frequency and current sampling schedule for all analytes sampled, including: chlorine residual, Stage 2 Disinfection Byproducts, lead and copper, nitrate, nitrite, and asbestos, laboratory information for lead and copper, revising physical locations at which samples are being collected, updating calculation sections for all

analytes sampled, adding the missing drinking water laboratory approval form and the plant schematic, and ensuring that the microbial sampling locations in the chemical and microbiological plan and system's Sample Siting Plan match each other, in accordance with 30 TEX. ADMIN. CODE § 290.121; and

- ii. Ensure that all BPAs are tested upon installation and on an annual basis by a recognized backflow assembly tester and certify that they are operating within specifications, in accordance with 30 TEX. ADMIN. CODE § 290.44.
- d. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.j. to demonstrate compliance with Ordering Provision Nos. 3.c.i. and 3.c.ii.
- e. Within 90 days after the effective date of this Order, begin complying with the site-specific requirements established by the Executive Director in a letter dated July 17, 2019, including but not limited to calibrating and maintaining the alarms that automatically notify the public water system operator of the loss of system pressure in accordance with the manufacturer's recommendations, in accordance with 30 TEX. ADMIN. CODE § 290.39.
- f. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.j. to demonstrate compliance with Ordering Provision No. 3.e.
- g. Within 180 days after the effective date of this Order, provide a total storage capacity of 200 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- h. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.j. to demonstrate compliance with Ordering Provision No. 3.g.
- i. Within 225 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.j. to demonstrate compliance with Ordering Provision No. 3.a.ii.
- j. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by 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 fine and imprisonment for knowing violations.”

The written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

and:

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

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon Respondent. 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.
6. 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until 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.
7. This Order, issued by the Commission, shall not be admissible against 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 TCEQ's jurisdiction or of a rule adopted or an order or permit issued by the TCEQ under such a statute.
8. 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.
9. 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



4/13/26

For the Executive Director

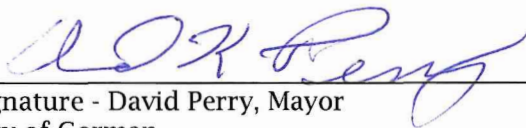
Date

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 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;
- Referral of this case to the Attorney General's office 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 Attorney General's office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution.



Signature - David Perry, Mayor
City of Gorman
P.O. Box 236
Gorman, Texas 76454

Date

3/4/2026

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

Attachment A

Docket Number: 2022-1702-PWS-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Gorman
Penalty Amount:	\$16,746
SEP Offset Amount:	\$16,746
Type of SEP:	Compliance
Project Name:	<i>Water Line Repairs and Alternate Capacity Request</i>
Location of SEP:	Eastland County

The Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order in exchange for Respondent’s performance of a Supplemental Environmental Project (“SEP”). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its public water supply (the “Facility”) which are described in this Agreed Order. This Agreed Order cites violations at Respondent’s Facility.

1. Project Description

A. Project

Respondent shall hire a contractor to replace approximately 500 linear feet of potable water distribution lines, along with all associated pipe parts and accessories at the Facility. Additionally, Respondent shall hire an engineer to develop plans and specifications for the submission of an Alternate Capacity Request (“ACR”) at the Facility. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for the replacement water distribution lines and required engineering plans (the “Project”). Respondent shall solicit bids from qualified contractors to perform the Project. Any advertisement or invitation for bids, including publication, related to the SEP must include the enforcement statement as stated below in Section 6, Publicity. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations, including permits that may be required prior to commencement of the SEP. The Commission’s approval and issuance of this Agreed Order shall not itself be construed to authorize any activity for which Respondent is required by statute or rule to obtain authorization from the Commission.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed below in Subsection C. Minimum Expenditure, Estimated Cost Schedule. No portion of the SEP Offset Amount shall be spent on administrative costs, including operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent’s signature affixed to the attached Agreed Order certifies that Respondent has no prior commitment to perform this Project and that the SEP is being performed solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide access to safe drinking water. Replacement of compromised lines will help protect water quality by minimizing the risk of soil, debris, or other contaminants from

entering water distribution lines. Capacity and pressure evaluation ensure that the Facility is capable of meeting demands and prevents pressure-related failures.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the project described above in Section 1.A and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project. Costs in excess of the SEP Offset Amount shall not be grounds to relieve Respondent of its obligations to perform this SEP.

Estimated Cost Schedule

Item	Total
500 Linear Feet of Piping	\$2,000
Pipe Parts and Accessories	\$10,825
Engineering for ACR	\$5,000
Total	\$17,825

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 225 days after the effective date of this Agreed Order.

Executive Director (“ED”) staff may grant an extension to any deadline for Respondent’s performance of the SEP described herein, upon a written and substantiated showing of good cause. All requests for extensions must be made by Respondent and shall be made in writing to ED staff. Extensions are not effective until Respondent receives written approval from ED staff. The determination of what constitutes good cause rests solely with ED staff. Extension requests shall be sent to the SEP Coordinator by first class mail or electronic mail, at:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087
Email: sepreports@tceq.texas.gov

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to TCEQ describing actions performed to date to implement the Project. Within 90 days after the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 60-day period and setting forth a schedule for achieving completion of the Project within the 225-day timeframe set forth above in Section 2, Performance Schedule. Thereafter, Respondent shall submit progress reports to TCEQ in 90-day increments containing detailed information on all actions completed on the Project to date as set forth below in the Reporting Schedule table:

Reporting Schedule

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
90	Actions completed during the previous 60-day period
180	Actions completed during the previous 90-day period
225	Notice of SEP completion

B. Final Report

Within 225 days after the effective date of the Agreed Order, or within 30 days after completion of the SEP, whichever is earlier, Respondent shall submit a Final Report to TCEQ, which shall include the following:

1. An itemized list of expenditures and total cost of the Project;
2. Copies of invoices or receipts corresponding to the itemized list in paragraph 3.B.1., above;
3. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
4. Copies of proof of advertisement of invitation for bids, if applicable;
5. A certified statement of SEP completion and document authentication;
6. Copies of all engineering plans related to work performed pursuant to the Project;
7. A detailed map showing the specific location of the project site(s);
8. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project; and
9. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate compliance with this Attachment A.

C. Submittals

Respondent shall submit all SEP reports and any additional information as requested to the SEP Coordinator at the address provided above.

4. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

5. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described above in Sections 2 through 4, the ED may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount,

as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to the SEP Coordinator at the address provided above.

6. Publicity

Any public statements concerning this Project made by or on behalf of Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by TCEQ**. Such statements include advertising, public relations, and press releases.

7. Recognition

Respondent may not seek recognition for this project in any other state or federal regulatory program.

8. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with TCEQ or any other agency of the state or federal government.