

Executive Summary – Enforcement Matter – Case No. 64637

City of Gorman

RN101198794

Docket No. 2023-1188-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three repeated enforcement actions (or two orders with nuisance violations) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Gorman PWS, 116 South Kent Street, Gorman, Eastland County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 12, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$3,300

Total Paid to General Revenue: \$3,300

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 7, 2023 through August 25, 2023

Date(s) of NOE(s): August 25, 2023

Executive Summary – Enforcement Matter – Case No. 64637
City of Gorman
RN101198794
Docket No. 2023-1188-PWS-E

Violation Information

Failed to comply with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes based on the locational running annual average [30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 365 days, return to compliance with the maximum contaminant level for total trihalomethanes based on the locational running annual average; and
- b. Within 380 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Dalton Wallace, Enforcement Division, Enforcement Team 5, MC 219, (512) 239-6704; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: The Honorable David Perry, Mayor, 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	28-Aug-2023			
	PCW	31-Aug-2023	Screening	30-Aug-2023	EPA Due
					30-Sep-2023

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.	64637	No. of Violations	1
Docket No.	2023-1188-PWS-E	Order Type	Findings
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	\$2,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	32.0% Adjustment	Subtotals 2, 3, & 7	\$800
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Notes: Enhancement for three NOV with same/similar violations, one NOV with a dissimilar violation, and one agreed order without a denial of liability. Reduction for High Performer compliance history person classification.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$769	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$5,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,300
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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	\$3,300
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,300
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$3,300
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Screening Date 30-Aug-2023

Docket No. 2023-1188-PWS-E

PCW

Respondent City of Gorman

Policy Revision 5 (January 28, 2021)

Case ID No. 64637

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>)	3	15%
	Other written NOVs	1	2%
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) 42%

>> 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 three NOVs with same/similar violations, one NOV with a dissimilar violation, and one agreed order without a denial of liability. Reduction for High Performer compliance history person classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 32%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 32%

Screening Date 30-Aug-2023 **Docket No.** 2023-1188-PWS-E **PCW**
Respondent City of Gorman *Policy Revision 5 (January 28, 2021)*
Case ID No. 64637 *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 § 290.115(f)(1) and Tex. Health & Safety Code § 341.0315(c)
Violation Description Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on the locational running annual average. Specifically, the locational running annual average concentrations of TTHM for Stage 2 Disinfection Byproducts at Site 1 were 0.093 mg/L for the fourth quarter of 2022, 0.107 mg/L for the first quarter of 2023, and 0.111 mg/L for the second quarter of 2023, and at Site 2 were 0.091 mg/L for the fourth quarter of 2022, 0.102 mg/L for the first quarter of 2023, and 0.103 mg/L for the second quarter of 2023.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		x		25.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Exceeding the MCL for TTHM caused persons served by the Facility to be exposed to a significant amount of contaminants which did not exceed levels protective of human health.

Adjustment \$3,750

\$1,250

Violation Events

Number of Violation Events 2 272 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$2,500

Two annual events are recommended (one event per Site).

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation **Statutory Limit Test**
 Estimated EB Amount \$769 **Violation Final Penalty Total** \$3,300
This violation Final Assessed Penalty (adjusted for limits) \$3,300

Economic Benefit Worksheet

Respondent City of Gorman
Case ID No. 64637
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)	\$5,000	31-Dec-2022	11-Mar-2025	2.19	\$37	\$732	\$769
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 other (as needed) delayed cost includes the estimated amount to investigate, identify, and implement the necessary corrective actions to return to compliance with the MCL for TTHM, calculated from the last day of the first quarter of noncompliance to the estimated date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$769



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 S KENT ST GORMAN, TX 76454-3072, EASTLAND COUNTY

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: January 24, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 24, 2019 to January 24, 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

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)

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)

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)
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 January 24, 2019 and January 24, 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. 2023-1188-PWS-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Gorman (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that they have certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at 116 South Kent Street in Gorman, Eastland County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 505 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(73).
2. During a record review for the Facility conducted on August 7, 2023 through August 25, 2023, an investigator documented that the locational running annual average concentrations of total trihalomethanes ("TTHM") for Stage 2 Disinfection Byproducts at Site 1 were 0.093 milligrams per liter ("mg/L") for the fourth quarter of 2022, 0.107 mg/L for the first quarter of 2023, and 0.111 mg/L for the second quarter of 2023, and at Site 2 were 0.091 mg/L for the fourth quarter of 2022, 0.102 mg/L for the first quarter of 2023, and 0.103 mg/L for the second quarter of 2023.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to comply with the maximum contaminant level ("MCL") of 0.080 mg/L for TTHM, based on the locational running annual average, in violation of 30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$3,300 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent paid the \$3,300 penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Gorman, Docket No. 2023-1188-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 365 days after the effective date of this Order, return to compliance with the MCL for TTHM, based on the locational running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.115.
 - b. Within 380 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's

jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.


9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

5/3/2024

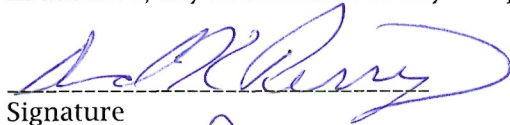
Date

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, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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



Signature

2/22/2024

Date

David K. Perry

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

Mayor

Title

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

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.