

**Executive Summary – Enforcement Matter – Case No. 39757**  
**Ranger Utility Company**  
**RN101273761**  
**Docket No. 2012-1692-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Indifference to legal duty based on violation of a previous order.

**Media:**

PWS

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

Woodland Estates, 3601 South Kings Highway, Texarkana, Bowie 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:** July 3, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$16,568

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$3,658

**Total Paid to General Revenue:** \$100

**Total Due to General Revenue:** \$12,810

Payment Plan: 16 payments of \$100 each followed by 19 payments of \$590 each

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - N/A

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** June 22, 2012

**Date(s) of NOE(s):** July 30, 2012

**Executive Summary – Enforcement Matter – Case No. 39757**  
**Ranger Utility Company**  
**RN101273761**  
**Docket No. 2012-1692-PWS-E**

***Violation Information***

1. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days [30 TEX. ADMIN. CODE § 290.110(c)(4)(A) and TCEQ Agreed Order Docket No. 2010-0867-PWS-E, Ordering Provision No. 2.a.].
2. Failed to provide a total storage capacity of 200 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c) and TCEQ Agreed Order Docket No. 2010-0867-PWS-E, Ordering Provision No. 2.c.i.].
3. Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute (“gpm”) per connection at each pump station or pressure plane [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c) and TCEQ Agreed Order Docket No. 2010-0867-PWS-E, Ordering Provision No. 2.c.ii.].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

- a. Immediately, begin weekly monitoring of the disinfectant residual at representative locations within the distribution system at least once every seven days.
- b. Within 15 days, submit written certification to demonstrate compliance with a.
- c. Within 180 days:
  - i. Provide a total storage capacity of 200 gallons per connection; and
  - ii. Provide two or more service pumps having a total capacity of 2.0 gpm per connection at each pump station or pressure plane.
- d. Within 195 days, submit written certification to demonstrate compliance with c.

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

**Executive Summary – Enforcement Matter – Case No. 39757**  
**Ranger Utility Company**  
**RN101273761**  
**Docket No. 2012-1692-PWS-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** James Fisher, Enforcement Division,  
Enforcement Team 2, MC 169, (512) 239-2537; Candy Garrett, Enforcement Division,  
MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** N/A

**Respondent:** Jason Clepper, President, Ranger Utility Company, 4044 Fountain View  
Drive, Texarkana, Texas 75501

**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

<b>DATES</b>	<b>Assigned</b>	6-Aug-2012	<b>Screening</b>	17-Aug-2012	<b>EPA Due</b>	
	<b>PCW</b>	19-Nov-2014				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	Ranger Utility Company		
<b>Reg. Ent. Ref. No.</b>	RN101273761		
<b>Facility/Site Region</b>	5-Tyler	<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	39757	<b>No. of Violations</b>	3
<b>Docket No.</b>	2012-1692-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Andrea Linson
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$12,000</b>
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<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>			
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.			
<b>Compliance History</b>	32.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$3,840</b>

Notes: Enhancement for two NOV's with the same/similar violations, one NOV with dissimilar violations, and one final agreed order with a denial of liability.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
Total EB Amounts	\$11,428	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$40,030		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$15,840</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	4.6%	<b>Adjustment</b>	<b>\$728</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement for the recovery of avoided costs associated with Violation No. 1.

<b>Final Penalty Amount</b>	<b>\$16,568</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$16,568</b>
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	<b>\$16,568</b>
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**Screening Date** 17-Aug-2012

**Docket No.** 2012-1692-PWS-E

**PCW**

**Respondent** Ranger Utility Company

Policy Revision 2 (September 2002)

**Case ID No.** 39757

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN101273761

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Andrea Linson

### Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	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> )	2	10%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	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	0	0%
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 judgements 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%

Please Enter Yes or No

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)** 32%

>> **Repeat Violator (Subtotal 3)**

N/A

**Adjustment Percentage (Subtotal 3)** 0%

>> **Compliance History Person Classification (Subtotal 7)**

N/A

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement for two NOVs with the same/similar violations, one NOV with dissimilar violations, and one final agreed order with a denial of liability.

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

**Screening Date** 17-Aug-2012  
**Respondent** Ranger Utility Company  
**Case ID No.** 39757  
**Reg. Ent. Reference No.** RN101273761  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Andrea Linson

**Docket No.** 2012-1692-PWS-E

**PCW**

Policy Revision 2 (September 2002)  
 PCW Revision October 30, 2008

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code § 290.110(c)(4)(A) and TCEQ Agreed Order Docket No. 2010-0867-PWS-E, Ordering Provision No. 2.a.

**Violation Description**

Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days. Specifically, the Respondent was only monitoring the disinfectant residual at the Facility and not at representative sites specified in the Facility's monitoring plan.

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="25%"/>
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

Failing to monitor the disinfectant residual at representative locations throughout the distribution system may allow a wide range of pathogens that can cause illness to go undetected; thereby, exposing customers to undetected contaminants which would exceed levels protective of human health.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

Sixteen monthly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2010-0867-PWS-E, April 18, 2011, to the screening date, August 17, 2012.

**Good Faith Efforts to Comply**

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(mark with x)

Notes

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

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

Estimated EB Amount

Violation Final Penalty Total

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Ranger Utility Company  
**Case ID No.** 39757  
**Reg. Ent. Reference No.** RN101273761  
**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	Onetime Costs	EB Amount
No commas or \$							

### 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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

### Avoided Costs

**ANNUALIZE [1] 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	\$520	18-Apr-2011	17-Aug-2012	1.33	\$35	\$694	\$728
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount to perform weekly monitoring of the disinfectant residual at representative locations within the distribution system (\$10 per week annualized), calculated from the effective date of TCEQ Agreed Order Docket No. 2010-0867-PWS-E to the screening date.

Approx. Cost of Compliance

\$520

**TOTAL**

\$728

**Screening Date** 17-Aug-2012  
**Respondent** Ranger Utility Company  
**Case ID No.** 39757  
**Reg. Ent. Reference No.** RN101273761  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Andrea Linson

**Docket No.** 2012-1692-PWS-E

**PCW**

Policy Revision 2 (September 2002)  
 PCW Revision October 30, 2008

**Violation Number**   
**Rule Cite(s)**

30 Tex. Admin. Code § 290.45(b)(1)(C)(ii) and Tex. Health & Safety Code § 341.0315(c) and TCEQ Agreed Order Docket No. 2010-0867-PWS-E, Ordering Provision No. 2.c.i.

**Violation Description**

Failed to provide a total storage capacity of 200 gallons per connection. Specifically, the Facility is required to provide a total storage capacity of 11,400 gallons; however, the Facility provided no storage capacity, indicating a 100% deficiency.

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

**OR**

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>

**Percent**

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

**Matrix Notes**

Failing to provide a total storage capacity of 200 gallons per connection could impair the Facility's ability to provide an adequate quantity of water to its customers; thereby, exposing customers to contaminants which would exceed levels that are protective of human health.

**Adjustment**

**Violation Events**

Number of Violation Events

Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

Sixteen monthly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2010-0867-PWS-E, April 18, 2011, to the screening date, August 17, 2012.

**Good Faith Efforts to Comply**

**0.0%** Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(mark with x)

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

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Ranger Utility Company  
**Case ID No.** 39757  
**Reg. Ent. Reference No.** RN101273761  
**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	Onetime Costs	EB Amount
<small>No commas or \$</small>							

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$24,510	18-Apr-2011	28-Feb-2015	3.87	\$316	\$6,321	\$6,637
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 necessary to provide a minimum storage capacity of 200 gallons per connection (\$2.15/gallon x 11,400 gallons), calculated from the effective date of TCEQ Agreed Order Docket No. 2010-0867-PWS-E to the estimated compliance date.

### Avoided Costs

**ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance	\$24,510	<b>TOTAL</b>	\$6,637
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Screening Date 17-Aug-2012

Docket No. 2012-1692-PWS-E

PCW

Respondent Ranger Utility Company

Policy Revision 2 (September 2002)

Case ID No. 39757

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101273761

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(iii) and Tex. Health & Safety Code § 341.0315(c) and TCEQ Agreed Order Docket No. 2010-0867-PWS-E, Ordering Provision No. 2.c.ii.

Violation Description Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection at each pump station or pressure plane. Specifically, the Facility is required to provide two or more service pumps which have a minimum service pump capacity of 114 gpm; however, the Facility had no service pumps, indicating a 100% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				25%
	Potential	x			

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0%

Matrix Notes

Failing to provide a service pump capacity having a total of 2.0 gpm per connection may not allow the Facility to supply water to sections of the distribution system where it is not possible to supply by gravity; thereby, exposing customers to contaminants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 16 Number of violation days 487

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$4,000

Sixteen monthly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2010-0867-PWS-E, April 18, 2011, to the screening date, August 17, 2012.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Reduction	
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

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

Violation Subtotal \$4,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4,062

Violation Final Penalty Total \$5,523

This violation Final Assessed Penalty (adjusted for limits) \$5,523

## Economic Benefit Worksheet

**Respondent** Ranger Utility Company  
**Case ID No.** 39757  
**Reg. Ent. Reference No.** RN101273761  
**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	Onetime Costs	EB Amount
<i>No commas or \$</i>							

### Delayed Costs

Equipment	\$15,000	18-Apr-2011	28-Feb-2015	3.87	\$193	\$3,868	\$4,062
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 costs include the estimated amount to provide two or more service pumps (\$7,500 each) having a total capacity of 2.0 gpm per connection, calculated from the effective date of TCEQ Agreed Order Docket No. 2010-0867-PWS-E to the estimated compliance date.

### Avoided Costs

**ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$15,000

**TOTAL**

\$4,062

# Compliance History

Customer/Respondent/Owner-Operator: CN600698153 Ranger Utility Company Classification: N/A Rating: N/A  
Regulated Entity: RN101273761 WOODLAND ESTATES Classification: N/A Site Rating: N/A  
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0190084  
WATER LICENSING LICENSE 0190084  
Location: 3601 S KINGS HWY, TEXARKANA, BOWIE COUNTY, TEXAS  
TCEQ Region: REGION 05 - TYLER  
Date Compliance History Prepared: August 20, 2012  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: August 20, 2007 to August 20, 2012  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Andrea Linson Phone: (512) 239-1482

## Site Compliance History Components

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
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.
- Effective Date: 04/18/2011 ADMINORDER 2010-0867-PWS-E
- Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)  
Description: Failure to provide the minimum total storage tank capacity.
- Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)  
Description: Failure to provide the minimum service pump capacity.
- Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(A)  
Description: Failure to collect and document weekly disinfectant residual tests representative of the distribution system.
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- 1  
N/A 07/30/2012 (1020346)
- 2 04/25/2008 (680927)
- 3 11/19/2008 (708509)
- 4 05/11/2010 (801427)
- 5 12/28/2011 (974294)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- Date: 04/25/2008 (680927) CN600698153  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(4)  
Description: BACT - MONITORING/REPORTING VIOLATIONS
- Date: 11/26/2008 (708509) CN600698153  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(A)(ii)  
 Description: Failure to provide a pressure tank capacity of 50 gallons per connection.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)  
 Description: Failure to secure the services of a registered professional engineer to assist in the preparation of plans and specifications prior to the construction of any major improvements to the regulated entity's facilities.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)  
 Description: Failure to provide for commission review an approved sanitary control easement, ordinance, deed or exception letter.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)  
 Description: Failure to provide the minimum total storage tank capacity.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)  
 Description: Failure to maintain operating records according to standards.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)  
 Description: Failure to prepare and maintain an adequate distribution map.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)  
 Description: Failure to calibrate well meters.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)  
 Description: Failure to install wiring in conduit.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)  
 Description: Failure to provide the minimum service pump capacity.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(d)(3)  
 Description: Failure to possess a chlorine test kit which uses the DPD method.  
 Date: 12/28/2011 (974294) CN600698153  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)  
 Description: Failure to provide the minimum total storage tank capacity.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)  
 Description: Failure to provide the minimum service pump capacity.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
RANGER UTILITY COMPANY  
RN101273761

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2012-1692-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Ranger Utility Company ("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 agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, 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 Agreed 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 settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed 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 at 3601 South Kings Highway in Texarkana, Bowie County, Texas (the "Facility") that has approximately 57 service connections and serves at least 25 people per day for at least 60 days per year.

2. During an investigation conducted on June 22, 2012, TCEQ staff documented that the Respondent was only monitoring the disinfectant residual at the Facility and not at representative sites specified in the Facility's monitoring plan.
3. During an investigation conducted on June 22, 2012, TCEQ staff documented that the Respondent was 100% deficient in providing total minimum storage capacity of 11,400 gallons.
4. During an investigation conducted on June 22, 2012, TCEQ staff documented that the Respondent is 100% deficient in providing a minimum service pump capacity of 114 gallons per minute ("gpm").
5. The Respondent received notice of the violations on August 2, 2012.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(A) and TCEQ Agreed Order Docket No. 2010-0867-PWS-E, Ordering Provision No. 2.a.
3. As evidenced by Findings of Fact No. 3, the Respondent failed to provide a total storage capacity of 200 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c) and TCEQ Agreed Order Docket No. 2010-0867-PWS-E, Ordering Provision No. 2.c.i.
4. As evidenced by Findings of Fact No. 4, the Respondent failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection at each pump station or pressure plane, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c) and TCEQ Agreed Order Docket No. 2010-0867-PWS-E, Ordering Provision No. 2.c.ii.
5. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of Sixteen Thousand Five Hundred Sixty-Eight Dollars (\$16,568) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Revenue Operations Section of the Commission's Financial Administration Division reviewed

financial documentation submitted by the Respondent and determined that the Respondent is unable to pay part of the administrative penalty. Therefore, Three Thousand Six Hundred Fifty-Eight Dollars (\$3,658) of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The Respondent has paid One Hundred Dollars (\$100) of the undeferred administrative penalty. The remaining amount of Twelve Thousand Eight Hundred Ten Dollars (\$12,810) of the administrative penalty shall be payable in 16 monthly payments of One Hundred Dollars (\$100) each followed by 19 payments of Five Hundred Ninety Dollars (\$590) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

### III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Sixteen Thousand Five Hundred Sixty-Eight Dollars (\$16,568) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Ranger Utility Company, Docket No. 2012-1692-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. Immediately upon the effective date of this Agreed Order, begin weekly monitoring of the disinfectant residual at representative locations within the distribution system at least once every seven days, as required by 30 TEX. ADMIN. CODE § 290.110.
  - b. Within 15 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.d below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
  - c. Within 180 days after the effective date of this Agreed Order:
    - i. Provide a total storage capacity of 200 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
    - ii. Provide two or more service pumps having a total capacity of 2.0 gpm per connection at each pump station or pressure plane, in accordance with 30 TEX. ADMIN. CODE § 290.45.
  - d. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c. The certification shall be notarized by a State of Texas Notary Public and 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:

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

with a copy to:

Water Section Manager  
Tyler Regional Office  
Texas Commission on Environmental Quality  
2916 Teague Drive  
Tyler, Texas 75701-3734

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed 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.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed 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 Agreed 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.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed 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 Agreed 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 Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

Ben M. Murre Jr.  
For the Executive Director

10/19/15  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Ranger Utility Company. I am authorized to agree to the attached Agreed Order on behalf of Ranger Utility Company, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Ranger Utility Company waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

Jason Clepper  
Signature

6-1-15  
Date

Jason Clepper  
Name (Printed or typed)  
Authorized Representative of  
Ranger Utility Company

President  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.