

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE No. 35459  
RANGER UTILITY COMPANY  
RN101216133  
Docket No. 2015-1033-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:**

intersection of River Run and Lakeside Drive, Hockley, Waller County

**Type of Operation:**

public water system

**Other Significant Matters:**

Additional Pending Enforcement Actions: 2015-0820-PWS-E (different RN; AO pending agenda)  
Past-Due Penalties: \$5,818.76 (2011-1171-PWS-E)  
Past-Due Fees: None  
Other: None  
Interested Third-Parties: None

**Texas Register Publication Date:** May 6, 2016

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$11,310

**Total Paid to General Revenue:** \$320

**Total Due to General Revenue:** \$10,990

Payment Plan: 35 payments of \$314 each

**Compliance History Classifications:**

Person/CN – N/A

Site/RN – N/A

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** April 2014

**RANGER UTILITY COMPANY**  
RN101216133  
Docket No. 2015-1033-PWS-E

**Investigation Information**

**Complaint Date(s):** N/A  
**Date(s) of Investigation:** February 20, 2015 through April 27, 2015  
**Date(s) of NOV(s):** N/A  
**Date(s) of NOE(s):** June 22, 2015

**Violation Information**

1. Failed to provide a total storage capacity of 200 gallons per connection [TEX. HEALTH & SAFETY CODE § 341.0315(c); 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii); and TCEQ Agreed Order Docket No. 2011-1171-PWS-E, Ordering Provision No. 2.a.i.].
2. Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute (“gpm”) per connection [TEX. HEALTH & SAFETY CODE § 341.0315(c); 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii); and TCEQ Agreed Order Docket No. 2011-1171-PWS-E, Ordering Provision No. 2.a.ii.].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

None

**Technical Requirements:**

1. Within 180 days:
  - a. Provide a minimum total storage tank capacity of 200 gallons per connection; and
  - b. Provide two or more service pumps having a minimum total capacity of 2.0 gpm per connection.
2. Within 195 days, submit written certification to demonstrate compliance.

**Litigation Information**

**Date Petition(s) Filed:** December 1, 2015  
**Date Answer Filed:** December 23, 2015  
**SOAH Referral Date:** January 28, 2016  
**Hearing Date(s):**  
Preliminary Hearing: March 3, 2016 (continued)  
**Settlement Date:** March 14, 2016

**Contact Information**

**TCEQ Attorneys:** Adam Taylor, Litigation Division, (512) 239-3400  
Lena Roberts, Litigation Division, (512) 239-3400  
Rudy Calderon, Public Interest Counsel, (512) 239-6363

**TCEQ Enforcement Coordinator:** Epifanio Villarreal, Enforcement Division, (361) 825-3425

**TCEQ Regional Contact:** Bryan Eastham, Houston Regional Office, (713) 767-3500

**Respondent Contact:** Jason Clepper, CEO, RANGER UTILITY COMPANY, 3601 South Kings High, Texarkana, Texas 75501

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

<b>DATES</b>	<b>Assigned</b>	29-Jun-2015		
	<b>PCW</b>	10-Jul-2015	<b>Screening</b>	10-Jul-2015
			<b>EPA Due</b>	

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	RANGER UTILITY COMPANY
<b>Reg. Ent. Ref. No.</b>	RN101216133
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	35459	<b>No. of Violations</b>	2
<b>Docket No.</b>	2015-1033-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>	Epi Villarreal
		<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>	\$7,800
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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.

<b>Compliance History</b>	45.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$3,510
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Notes: Enhancement for one agreed order with a denial of liability and one agreed order without a denial of liability.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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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>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$10,847  
 Estimated Cost of Compliance: \$48,970  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$11,310
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$11,310
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$11,310
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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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>	\$11,310
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**Screening Date** 10-Jul-2015

**Docket No.** 2015-1033-PWS-E

**PCW**

**Respondent** RANGER UTILITY COMPANY

Policy Revision 4 (April 2014)

**Case ID No.** 35459

PCW Revision March 26, 2014

**Reg. Ent. Reference No.** RN101216133

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Epi Villarreal

### 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> )	0	0%
	Other written NOVs	0	0%
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	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%
<i>Please Enter Yes or No</i>			
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)** 45%

>> **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 one agreed order with a denial of liability and one agreed order without a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 45%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 45%

**Screening Date** 10-Jul-2015 **Docket No.** 2015-1033-PWS-E **PCW**  
**Respondent** RANGER UTILITY COMPANY *Policy Revision 4 (April 2014)*  
**Case ID No.** 35459 *PCW Revision March 26, 2014*  
**Reg. Ent. Reference No.** RN101216133  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Epi Villarreal

**Violation Number** 1  
**Rule Cite(s)** 30 Tex. Admin. Code § 290.45(b)(1)(C)(ii), Tex. Health & Safety Code § 341.0315(c), and TCEQ Agreed Order Docket No. 2011-1171-PWS-E, Ordering Provision No. 2.a.i  
**Violation Description** Failed to provide a total storage capacity of 200 gallons per connection. With 79 service connections, the Facility must provide a total storage capacity of 15,800 gallons. However, it was documented that the Facility currently provides no storage capacity, which is a 100% deficiency.

**Base Penalty** \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

**Matrix Notes** Failure to provide storage capacity could result in water outages and low pressure problems, exposing customers to contaminants which would exceed levels protective of human health.

**Adjustment** \$850

\$150

Violation Events

Number of Violation Events 26 767 Number of violation days

*mark only one with an x*

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$3,900

Twenty-six monthly events are recommended from the effective date of TCEQ Agreed Order Docket No. 2011-1171-PWS-E, June 3, 2013, to the date of screening, July 10, 2015.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark w th x)

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

**Violation Subtotal** \$3,900

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7,525

Violation Final Penalty Total \$5,655

**This violation Final Assessed Penalty (adjusted for limits)** \$5,655

# Economic Benefit Worksheet

**Respondent** RANGER UTILITY COMPANY  
**Case ID No.** 35459  
**Reg. Ent. Reference No.** RN101216133  
**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	\$33,970	3-Jun-2013	1-Aug-2016	3.16	\$358	\$7,166	\$7,525
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 necessary to provide a minimum storage capacity of 200 gallons per connection, calculated from the effective date of TCEQ Agreed Order Docket No. 2011-1171-PWS-E, to the estimated date of compliance.

### 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 \$33,970

**TOTAL** \$7,525

**Screening Date** 10-Jul-2015 **Docket No.** 2015-1033-PWS-E **PCW**  
**Respondent** RANGER UTILITY COMPANY *Policy Revision 4 (April 2014)*  
**Case ID No.** 35459 *PCW Revision March 26, 2014*  
**Reg. Ent. Reference No.** RN101216133  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Epi Villarreal

**Violation Number**   
**Rule Cite(s)** 30 Tex. Admin. Code § 290.45(b)(1)(C)(iii), Tex. Health & Safety Code § 341.0315(c), and TCEQ Agreed Order Docket No. 2011-1171-PWS-E, Ordering Provision No. 2.a.ii  
**Violation Description** Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, it was documented that the Facility has 79 connections and must provide a minimum service pump capacity of 158 gpm. However, no service pump capacity was provided, which is a 100% deficiency.

**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="15.0%"/>
	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="0.0%"/>

Matrix Notes

Failure to provide service pump capacity may impair the Facility's ability to provide a safe and adequate supply of water which could expose customers of the Facility to contaminants that 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**

Twenty-six monthly events are recommended from the effective date of TCEQ Agreed Order Docket No. 2011-1171-PWS-E, June 3, 2013, to the date of screening, July 10, 2015.

**Good Faith Efforts to Comply**

Reduction

Before NOE/NOV NOE/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.** 35459  
**Reg. Ent. Reference No.** RN101216133  
**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
No commas or \$							

### Delayed Costs

Equipment	\$15,000	3-Jun-2013	1-Aug-2016	3.16	\$158	\$3,164	\$3,323
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 provide two or more service pumps with a total service pump capacity of 2.0 gpm per connection, calculated from the effective date of TCEQ Agreed Order Docket No. 2011-1171-PWS-E, to the estimated date of compliance.

### 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** \$3,323

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

**PUBLISHED** Compliance History Report for CN600698153, RN101216133, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

**Customer, Respondent, or Owner/Operator:** CN600698153, RANGER UTILITY COMPANY **Classification:** NOT APPLICABLE **Rating:** N/A

**Regulated Entity:** RN101216133, Lakeside Estates Subdivision **Classification:** NOT APPLICABLE **Rating:** N/A

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

**CH Group:** 14 - Other

**Location:** INTERSECTION OF RIVER RUN & LAKESIDE DR, HOCKLEY, WALLER COUNTY, TEXAS

**TCEQ Region:** REGION 12 - HOUSTON

**ID Number(s):** **PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 2370008  
**WATER LICENSING LICENSE** 2370008

**Compliance History Period:** September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

**Date Compliance History Report Prepared:** July 01, 2015

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** July 01, 2010 to July 01, 2015

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Epi Villarreal

**Phone:** (361) 825-3425

## 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
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

## Components (Multimedia) for the Site Are Listed in Sections A - J

### **A. Final Orders, court judgments, and consent decrees:**

**1 Effective Date: 06/03/2013 ADMINORDER 2011-1171-PWS-E (Findings Order-Agreed Order Without Denial)**

**Classification:** Major

**Citation:** 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

**Rqmt Prov:** OP 2.a.-2.b. ORDER  
OP 2.a.i. ORDER

**Description:** Failed to provide a total storage capacity of 200 gallons per connection.

**Classification:** Major

**Citation:** 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

**Rqmt Prov:** OP 2.a.-2.b. ORDER  
OP 2.a.ii. ORDER

**Description:** Failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection.

**2 Effective Date: 01/02/2014 ADMINORDER 2013-1256-PWS-E (1660 Order-Agreed Order With Denial)**

**Classification:** Moderate

**Citation:** 30 TAC Chapter 290, SubChapter H 290.271(b)  
30 TAC Chapter 290, SubChapter H 290.274(a)  
30 TAC Chapter 290, SubChapter H 290.274(c)

**Description:** CCR 2010 - The system failed to provide the Consumer Confidence Report (CCR) for 2010 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

**Classification:** Moderate

**Citation:** 30 TAC Chapter 290, SubChapter H 290.271(b)  
30 TAC Chapter 290, SubChapter H 290.274(a)  
30 TAC Chapter 290, SubChapter H 290.274(c)

**Description:** CCR 2011 - The system failed to provide the Consumer Confidence Report (CCR) for 2011 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

**Classification:** Moderate

**Citation:** 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

**Description:** DLQOR MR 2Q2010 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 2nd quarter of 2010 within the required timeline.

**Classification:** Moderate

**Citation:** 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

**Description:** DLQOR MR 3Q2010 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 3rd quarter of 2010 within the required timeline.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: DLQOR MR 4Q2010 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 4th quarter of 2010 within the required timeline.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: DLQOR MR 1Q2011 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2011 within the required timeline.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: DLQOR MR 2Q2011 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 2nd quarter of 2011 within the required timeline.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: DLQOR MR 4Q2011 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 4th quarter of 2011 within the required timeline.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: DLQOR MR 1Q2012 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2012 within the required timeline.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: DLQOR MR 2Q2012 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 2nd quarter of 2012 within the required timeline.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: DLQOR MR 3Q2012 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 3rd quarter of 2012 within the required timeline.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: DLQOR MR 4Q2012 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 4th quarter of 2012 within the required timeline.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1                      October 26, 2011                      (955517)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

**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;  
RN101216133**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER**

**DOCKET NO. 2015-1033-PWS-E**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("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, represented by the Litigation Division, and Respondent presented this Order to the Commission.

Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, to request an evidentiary hearing, receive notice of an evidentiary hearing, and a right to appeal. By entering into this Order, Respondent agrees to waive all notice and procedural rights which might otherwise be authorized or required in this action.

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 Respondent.

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

### **FINDINGS OF FACT**

1. Respondent owns a public water system located at the intersection of River Run and Lakeside Drive in Hockley, Waller County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 79 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(69).
2. During an investigation conducted February 20, 2015 through April 27, 2015, an investigator documented that Respondent:
  - a. Failed to provide a total storage capacity of 200 gallons per connection. With 79 service connections, the Facility must provide a total storage capacity of 15,800 gallons, however, the Facility currently provides no storage capacity, which is a 100% deficiency; and
  - b. Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, the Facility has 79 connections and must provide a minimum service pump capacity of 158 gpm. However, no service pump capacity was provided, which is a 100% deficiency.

### **CONCLUSIONS OF LAW**

1. As evidenced by Finding of Fact No. 1, 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.a., Respondent failed to provide a total storage capacity of 200 gallons per connection, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c); 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii); and TCEQ Agreed Order Docket No. 2011-1171-PWS-E, Ordering Provision No. 2.a.i.
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c); 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii); and TCEQ Agreed Order Docket No. 2011-1171-PWS-E, Ordering Provision No. 2.a.ii.
4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a) TCEQ has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of eleven thousand three hundred ten dollars (\$11,310.00) 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. Respondent paid three hundred twenty dollars (\$320.00) of the penalty. The remaining amount of ten thousand nine hundred ninety dollars (\$10,990.00) shall be paid in thirty-five (35) monthly payments of three hundred fourteen dollars (\$314.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Order, including the payment schedule, the Executive Director may 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, Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Order.

### **ORDERING PROVISIONS**

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

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 5 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all 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 which are not raised here. Penalty payments shall be made payable to TCEQ and shall be sent with the notation "Re: RANGER UTILITY COMPANY, Docket No. 2015-1033-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 undertake the following technical requirements:
  - a. Within 180 days after the effective date of this Order:
    - i. Provide a minimum total storage tank 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 minimum total capacity of 2.0 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
  - b. Within 195 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provisions Nos. 2.a.i. and 2.a.ii. The certification 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:

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

and:

Section Manager, Public Drinking Water Section  
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 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.
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 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 Order Compliance Team at the address listed above.
6. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the Office of the Attorney

General of the State of Texas ("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 TCEQ under such a statute. The Executive Director may, without further notice or hearing, refer this matter to the OAG for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.

7. 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 compliance with all the terms and conditions set forth in this Order, whichever is later.
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.

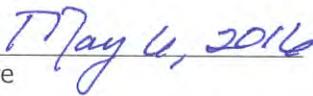
SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
For the Executive Director

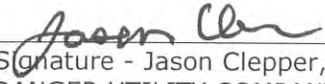
  
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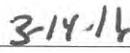
I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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 - Jason Clepper, Chief Executive Officer  
RANGER UTILITY COMPANY  
3601 South Kings Highway  
Texarkana, Texas 75501

  
\_\_\_\_\_  
Date

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

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