

TCEQ Interoffice Memorandum

To: Mary Smith, General Counsel

Thru: ^{MBC} Melissa Cordell, Assistant Deputy Director
Enforcement Division

From: ^{MP} Michael Parrish, Team Leader
Special Functions Team

Date: August 22, 2024

Subject: **Backup Revision**
August 28, 2024 Commission Agenda
Item No. 52 – Ranger Ready Mix, LLC
Docket No. 2021-1597-WQ-E

Enclosed please find the following:

Executive Summary:

- Page 2, Violation Information, Violation 1 – Correct “June 20” to “June 2020.”

Please do not hesitate to call Michael Parrish at (512) 239-2548 if you have any questions regarding this matter.

cc: Garrett Arthur, Public Interest Counsel
Melissa Schmidt, Public Interest Counsel
Gill Valls, Office of General Counsel
Katherine McKenzie, Agenda Coordinator, Litigation Division
Amy Settemeyer, Deputy Director, Enforcement Division
Melissa Cordell, Assistant Deputy Director, Enforcement Division
Rebecca Margain-Nunez, Executive Assistant, Enforcement Division
Brett Lanham, Manager, Special Functions and Compliance Monitoring Section,
Enforcement Division
Katy Montgomery, Team Leader, Water Section, Enforcement Division
Harley Hobson, Enforcement Coordinator, Water Section, Enforcement Division

Executive Summary – Enforcement Matter – Case No. 61664
Ranger Ready Mix, LLC
RN108365560 and RN109335026
Docket No. 2021-1597-WQ-E

Violation Information

1. Failed to timely submit monitoring results at intervals specified in the permit. Specifically, the discharge monitoring reports ("DMRs") for the monthly monitoring periods of June 2020 through February 2021 and April 2021 through June 2021 for Outfall No. 001A and June 2020 through June 2021 for Outfall Nos. 003A, 004A, and 005A were not submitted by the 20th day of the following month [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG111622, Part III, Section A, Permit Requirements No. 1; and Part IV, Standard Permit Conditions No. 7.f].

2. Failed to timely submit monitoring results at intervals specified in the permit. Specifically, the DMRs for the annual monitoring period of 2020 for Outfall Nos. 001Y and TX1Y and for the annual monitoring period of 2020 for Outfall Nos. 003Y, 004Y, 005Y, TX3Y, TX4Y, and TX5Y were not submitted by March 31st of the following year [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES General Permit No. TXG111622, Part III, Section A, Permit Requirements No. 2; and Part IV, Standard Permit Conditions No. 7.f].

3. Failed to timely submit monitoring results at intervals specified in the permit. Specifically, the DMRs for the monthly monitoring periods of April 2017 through June 2021 for Outfall Nos. 001A and 002A were not submitted by the 20th day of the following month [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES General Permit No. TXG111897, Part III, Section A, Permit Requirements No. 1; and Part IV, Standard Permit Conditions No. 7.f].

4. Failed to timely submit monitoring results at intervals specified in the permit. Specifically, the DMRs for the annual monitoring periods of 2017 through 2020 for Outfall Nos. 001Y, 002Y, TX1Y, and TX2Y were not submitted by March 31st of the following year [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES General Permit No. TXG111897, Part III, Section A, Permit Requirements No. 2; and Part IV, Standard Permit Conditions No. 7.f].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

a. By February 19, 2023, submitted the DMRs for:

i. Outfall Nos. 001Y and TX1Y for the annual monitoring period of 2020 for Facility No. 1;

ii. Outfall Nos. 003Y, 004Y, 005Y, TX3Y, TX4Y, and TX5Y for the annual monitoring period of 2020 for Facility No. 1;

Executive Summary - Enforcement Matter - Case No. 61664
Ranger Ready Mix, LLC
RN108365560 and RN109335026
Docket No. 2021-1597-WQ-E

Violation Information

1. Failed to timely submit monitoring results at intervals specified in the permit. Specifically, the discharge monitoring reports ("DMRs") for the monthly monitoring periods of June 2020 through February 2021 and April 2021 through June 2021 for Outfall No. 001A and June 2020 through June 2021 for Outfall Nos. 003A, 004A, and 005A were not submitted by the 20th day of the following month [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG111622, Part III, Section A, Permit Requirements No. 1; and Part IV, Standard Permit Conditions No. 7.f].

2. Failed to timely submit monitoring results at intervals specified in the permit. Specifically, the DMRs for the annual monitoring period of 2020 for Outfall Nos. 001Y and TX1Y and for the annual monitoring period of 2020 for Outfall Nos. 003Y, 004Y, 005Y, TX3Y, TX4Y, and TX5Y were not submitted by March 31st of the following year [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES General Permit No. TXG111622, Part III, Section A, Permit Requirements No. 2; and Part IV, Standard Permit Conditions No. 7.f].

3. Failed to timely submit monitoring results at intervals specified in the permit. Specifically, the DMRs for the monthly monitoring periods of April 2017 through June 2021 for Outfall Nos. 001A and 002A were not submitted by the 20th day of the following month [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES General Permit No. TXG111897, Part III, Section A, Permit Requirements No. 1; and Part IV, Standard Permit Conditions No. 7.f].

4. Failed to timely submit monitoring results at intervals specified in the permit. Specifically, the DMRs for the annual monitoring periods of 2017 through 2020 for Outfall Nos. 001Y, 002Y, TX1Y, and TX2Y were not submitted by March 31st of the following year [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES General Permit No. TXG111897, Part III, Section A, Permit Requirements No. 2; and Part IV, Standard Permit Conditions No. 7.f].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

a. By February 19, 2023, submitted the DMRs for:

i. Outfall Nos. 001Y and TX1Y for the annual monitoring period of 2020 for Facility No. 1;

ii. Outfall Nos. 003Y, 004Y, 005Y, TX3Y, TX4Y, and TX5Y for the annual monitoring period of 2020 for Facility No. 1;

Executive Summary – Enforcement Matter – Case No. 61664

**Ranger Ready Mix, LLC
RN108365560 and RN109335026
Docket No. 2021-1597-WQ-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

WQ

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

RRM BP 1, 1201 County Road 107, Hutto, Williamson County ("Facility No. 1")
Ranger Readymix, 25999 Ronald Reagan Boulevard, Georgetown, Williamson County
("Facility No. 2")

Type of Operation:

Concrete batch plants

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: December 1, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$22,010

Amount Deferred for Expedited Settlement: \$4,402

Total Paid to General Revenue: \$17,608

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications (RN108365560):

Person/CN - Satisfactory

Site/RN - High

Compliance History Classifications (RN109335026):

Person/CN - Satisfactory

Site/RN - Satisfactory

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: September 14, 2021 and September 15, 2021

Date(s) of NOE(s): November 17, 2021

Executive Summary – Enforcement Matter – Case No. 61664
Ranger Ready Mix, LLC
RN108365560 and RN109335026
Docket No. 2021-1597-WQ-E

Violation Information

1. Failed to timely submit monitoring results at intervals specified in the permit. Specifically, the discharge monitoring reports ("DMRs") for the monthly monitoring periods of June 20 through February 2021 and April 2021 through June 2021 for Outfall No. 001A and June 20 through June 2021 for Outfall Nos. 003A, 004A, and 005A were not submitted by the 20th day of the following month [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG111622, Part III, Section A, Permit Requirements No. 1; and Part IV, Standard Permit Conditions No. 7.f].
2. Failed to timely submit monitoring results at intervals specified in the permit. Specifically, the DMRs for the annual monitoring period of 2020 for Outfall Nos. 001Y and TX1Y and for the annual monitoring period of 2020 for Outfall Nos. 003Y, 004Y, 005Y, TX3Y, TX4Y, and TX5Y were not submitted by March 31st of the following year [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES General Permit No. TXG111622, Part III, Section A, Permit Requirements No. 2; and Part IV, Standard Permit Conditions No. 7.f].
3. Failed to timely submit monitoring results at intervals specified in the permit. Specifically, the DMRs for the monthly monitoring periods of April 2017 through June 2021 for Outfall Nos. 001A and 002A were not submitted by the 20th day of the following month [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES General Permit No. TXG111897, Part III, Section A, Permit Requirements No. 1; and Part IV, Standard Permit Conditions No. 7.f].
4. Failed to timely submit monitoring results at intervals specified in the permit. Specifically, the DMRs for the annual monitoring periods of 2017 through 2020 for Outfall Nos. 001Y, 002Y, TX1Y, and TX2Y were not submitted by March 31st of the following year [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES General Permit No. TXG111897, Part III, Section A, Permit Requirements No. 2; and Part IV, Standard Permit Conditions No. 7.f].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By February 19, 2023, submitted the DMRs for:
 - i. Outfall Nos. 001Y and TX1Y for the annual monitoring period of 2020 for Facility No. 1;
 - ii. Outfall Nos. 003Y, 004Y, 005Y, TX3Y, TX4Y, and TX5Y for the annual monitoring period of 2020 for Facility No. 1;

Executive Summary – Enforcement Matter – Case No. 61664
Ranger Ready Mix, LLC
RN108365560 and RN109335026
Docket No. 2021-1597-WQ-E

iii. Outfall Nos. 001Y and TX1Y for the annual monitoring periods of 2017 through 2020 for Facility No. 2; and

iv. Outfall Nos. 003Y, 004Y, 005Y, TX3Y, TX4Y, and TX5Y for the annual monitoring periods of 2019 and 2020 for Facility No. 2.

b. By February 21, 2023, submitted the DMRs for:

i. Outfall No. 001A for the monthly monitoring periods of June 2020 through February 2021 and April 2021 through June 2021 for Facility No. 1;

ii. Outfall Nos. 003A, 004A, and 005A for the monthly monitoring periods of June 2020 through June 2021 for Facility No. 1; and

iii. Outfall Nos. 001A and 002A for the monthly monitoring periods of April 2017 through June 2021 for Facility No. 2.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Harley Hobson, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-1337; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Daniel McBride, Member, Ranger Ready Mix, LLC, 40206 Industrial Park Circle, Suite 101, Georgetown, Texas 78626

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	6-Dec-2021	Screening	8-Dec-2021	EPA Due	
	PCW	10-Dec-2021				

RESPONDENT/FACILITY INFORMATION

Respondent	Ranger Ready Mix, LLC (Facility No. 1)				
Reg. Ent. Ref. No.	RN108365560				
Facility/Site Region	11-Austin	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	61664	No. of Violations	2
Docket No.	2021-1597-WQ-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Harley Hobson
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$13,750
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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	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes: Since the reduction for one notice of intent to conduct an audit and one disclosure of violations is below zero, the adjustment percentage (Subtotal 2) defaults to zero

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: \$201
Estimated Cost of Compliance: \$1,375
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$13,750
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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	\$13,750
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$13,750
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DEFERRAL	20.0%	Reduction	Adjustment	-\$2,750
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$11,000
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Screening Date	8-Dec-2021	Docket No.	2021-1597-WQ-E	PCW
Respondent	Ranger Ready Mix, LLC (Facility No. 1)	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	61664	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN108365560			
Media	Water Quality			
Enf. Coordinator	Harley Hobson			

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>)	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>)	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	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 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>)	1	-1%
	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>)	1	-2%
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) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Since the reduction for one notice of intent to conduct an audit and one disclosure of violations is below zero, the adjustment percentage (Subtotal 2) defaults to zero

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date	8-Dec-2021	Docket No.	2021-1597-WQ-E	PCW
Respondent	Ranger Ready Mix, LLC (Facility No. 1)	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	61664	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN108365560			
Media	Water Quality			
Enf. Coordinator	Harley Hobson			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d) and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG111622, Part III, Section A, Permit Requirements No. 1; and Part IV, Standard Permit Conditions No. 7.f			
Violation Description	Failed to timely submit monitoring results at intervals specified in the permit. Specifically, the discharge monitoring reports ("DMRs") for the monthly monitoring periods of June 2020 through February 2021 and April 2021 through June 2021 for Outfall No. 001A and June 2020 through June 2021 for Outfall Nos. 003A, 004A, and 005A were not submitted by the 20th day of the following month.			
			Base Penalty	\$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			
		Major	Moderate	Minor	
	Actual				
	Potential				
					Percent 0.0%

>>Programmatic Matrix

	Falsification	Major	Moderate	Minor	
				X	
					Percent 1.0%

Matrix Notes	Less than 30% of the rule requirements were not met.
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Adjustment \$24,750

\$250

Violation Events

Number of Violation Events	47	365	Number of violation days
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	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	X			

Violation Base Penalty \$11,750

Forty-seven single events are recommended for the last year (ending June 2021) of missing monthly DMRs. Eleven for Outfall No. 001A and twelve each for Outfall Nos. 003A, 004A, and 005A.

Good Faith Efforts to Comply

	0.0%				
	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 \$11,750

Economic Benefit (EB) for this violation

	\$152				
Estimated EB Amount		Violation Final Penalty Total			
					\$11,750

Statutory Limit Test

	\$11,750				
This violation Final Assessed Penalty (adjusted for limits)					\$11,750

Economic Benefit Worksheet

Respondent Ranger Ready Mix, LLC (Facility No. 1)
Case ID No. 61664
Reg. Ent. Reference No. RN108365560
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,175	20-Jul-2020	21-Feb-2023	2.59	\$152	n/a	\$152

Notes for DELAYED costs

Estimated cost to submit the DMRs for the months of June 2020 through February 2021 and April 2021 through June 2021 for Outfall No. 001A and June 2020 through June 2021 for Outfall Nos. 003A, 004A, and 005A (47 x \$25 per report). The Date Required is the DMR due date. The Final Date is the date DMRs were provided.

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,175

TOTAL

\$152

Screening Date 8-Dec-2021 Respondent Ranger Ready Mix, LLC (Facility No. 1) Case ID No. 61664 Reg. Ent. Reference No. RN108365560 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2021-1597-WQ-E Base Penalty \$25,000	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	2	
Rule Cite(s)		30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d) and TPDES General Permit No. TXG111622, Part III, Section A, Permit Requirements No. 2; and Part IV, Standard Permit Conditions No. 7.f
Violation Description		Failed to timely submit monitoring results at intervals specified in the permit. Specifically, the DMRs for the annual monitoring period of 2020 for Outfall Nos. 001Y and TX1Y and for the annual monitoring period of 2020 for Outfall Nos. 003Y, 004Y, 005Y, TX3Y, TX4Y, and TX5Y were not submitted by March 31st of the following year.

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"/>	<input type="text"/>	<input type="text"/>	
					Percent <input style="width: 50px;" type="text" value="0.0%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="X"/>	
					Percent <input style="width: 50px;" type="text" value="1.0%"/>

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

Violation Events

Number of Violation Events	8	365	Number of violation days
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	daily	<input type="text"/>	
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text" value="X"/>	

Violation Base Penalty

Eight single events are recommended, one for each outfall for the last missing annual DMRs.

Good Faith Efforts to Comply

	0.0%	
		Reduction <input style="width: 50px;" type="text" value="\$0"/>
	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"/>	<input type="text"/>
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
<input style="width: 100px;" type="text" value="\$49"/>	<input style="width: 100px;" type="text" value="\$2,000"/>
This violation Final Assessed Penalty (adjusted for limits)	
<input style="width: 100px;" type="text" value="\$2,000"/>	

Economic Benefit Worksheet

Respondent Ranger Ready Mix, LLC (Facility No. 1)
Case ID No. 61664
Reg. Ent. Reference No. RN108365560
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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)	\$200	31-Mar-2018	19-Feb-2023	4.89	\$49	n/a	\$49
Notes for DELAYED costs	Estimated cost to submit the DMRs for the annual monitoring period of 2020 for Outfall Nos. 001Y and TX1Y and the annual monitoring period of 2020 for Outfall Nos. 003Y, 004Y, 005Y, TX3Y, TX4Y, and TX5Y (8 x \$25 per report). The Date Required is the initial DMR due date. The Final Date is the date DMRs were provided.						
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
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	\$200			TOTAL		\$49	



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	29-Nov-2021			
	PCW	10-Dec-2021	Screening	3-Dec-2021	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	Ranger Ready Mix, LLC (Facility No. 2)				
Reg. Ent. Ref. No.	RN109335026				
Facility/Site Region	11-Austin	Major/Minor Source	Minor		

CASE INFORMATION					
Enf./Case ID No.	61664	No. of Violations	2		
Docket No.	2021-1597-WQ-E	Order Type	1660		
Media Program(s)	Water Quality	Government/Non-Profit	No		
Multi-Media		Enf. Coordinator	Harley Hobson		
		EC's Team	Enforcement Team 1		
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$25,000	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,000
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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	18.0%	Adjustment	Subtotals 2, 3, & 7	\$1,260
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Notes	Enhancement for one order containing a denial of liability. Reduction for two notices of intent to conduct an audit.			
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.			
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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	\$833	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$2,950	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$8,260
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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	\$8,260
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$8,260
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DEFERRAL	20.0%	Reduction	Adjustment	-\$1,652
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.			
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PAYABLE PENALTY	\$6,608
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Screening Date	3-Dec-2021	Docket No.	2021-1597-WQ-E	PCW
Respondent	Ranger Ready Mix, LLC (Facility No. 2)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	61664			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN109335026			
Media	Water Quality			
Enf. Coordinator	Harley Hobson			

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>)	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	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 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>)	2	-2%
	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)18%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3)0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7)0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one order containing a denial of liability. Reduction for two notices of intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)18%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%18%

Screening Date	3-Dec-2021	Docket No.	2021-1597-WQ-E	PCW	
Respondent	Ranger Ready Mix, LLC (Facility No. 2)			Policy Revision 5 (January 28, 2021)	
Case ID No.	61664			PCW Revision February 11, 2021	
Reg. Ent. Reference No.	RN109335026				
Media	Water Quality				
Enf. Coordinator	Harley Hobson				
Violation Number	1				
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d) and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG111897, Part III, Section A, Permit Requirements No. 1; and Part IV, Standard Permit Conditions No. 7.f				
Violation Description	Failed to timely submit monitoring results at intervals specified in the permit. Specifically, the discharge monitoring reports ("DMRs") for the monthly monitoring periods of April 2017 through June 2021 for Outfall Nos. 001A and 002A were not submitted by the 20th day of the following month.				
Base Penalty				\$25,000	
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major	Moderate	Minor	
	Actual				
	Potential				Percent 0.0%
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
				X	Percent 1.0%
Matrix Notes	Less than 30% of the rule requirements were not met.				
Adjustment				\$24,750	
					\$250
Violation Events					
Number of Violation Events		24	365	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	X		Violation Base Penalty \$6,000	
Twenty-four single events are recommended, twelve for each outfall for the last year of missing monthly DMRs.					
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				\$6,000	
Economic Benefit (EB) for this violation					
Statutory Limit Test					
Estimated EB Amount	\$735	Violation Final Penalty Total	\$7,080		
This violation Final Assessed Penalty (adjusted for limits)				\$7,080	

Economic Benefit Worksheet

Respondent Ranger Ready Mix, LLC (Facility No. 2)
Case ID No. 61664
Reg. Ent. Reference No. RN109335026
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,550	20-May-2017	21-Feb-2023	5.76	\$735	n/a	\$735
Notes for DELAYED costs	Estimated cost to submit the DMRs for the months of April 2017 through June 2021 for Outfall Nos. 001A and 002A (102 x \$25 per report). The Date Required is the initial DMR due date. The Final Date is the date DMRs were provided.						

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
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	\$2,550	TOTAL	\$735
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Screening Date	3-Dec-2021	Docket No.	2021-1597-WQ-E	PCW
Respondent	Ranger Ready Mix, LLC (Facility No. 2)		<i>Policy Revision 5 (January 28, 2021)</i>	
Case ID No.	61664	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN109335026			
Media	Water Quality			
Enf. Coordinator	Harley Hobson			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d) and TPDES General Permit No. TXG111897, Part III, Section A, Permit Requirements No. 2; and Part IV, Standard Permit Conditions No. 7.f			
Violation Description	Failed to timely submit monitoring results at intervals specified in the permit. Specifically, the DMRs for the annual monitoring periods of 2017 through 2020 for Outfall Nos. 001Y, 002Y, TX1Y, and TX2Y were not submitted by March 31st of the following year.			
Base Penalty			\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual			
	Potential			
Percent			0.0%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
				X
Percent			1.0%	
Matrix Notes	Less than 30% of the rule requirements were not met.			
Adjustment			\$24,750	
			\$250	
Violation Events				
Number of Violation Events		4	365	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event		X	
Violation Base Penalty			\$1,000	
Four single events are recommended, one for each outfall for the last set of missing annual DMRs.				
Good Faith Efforts to Comply		0.0%	Reduction \$0	
	Extraordinary		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	
	Ordinary			
	N/A	X		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal			\$1,000	
Economic Benefit (EB) for this violation			Statutory Limit Test	
Estimated EB Amount		\$98	Violation Final Penalty Total	
			\$1,180	
This violation Final Assessed Penalty (adjusted for limits)			\$1,180	

Economic Benefit Worksheet

Respondent Case ID No. Ranger Ready Mix, LLC (Facility No. 2)
Reg. Ent. Reference No. 61664
Media RN109335026
Violation No. Water Quality
2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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)	\$400	31-Mar-2018	19-Feb-2023	4.89	\$98	n/a	\$98
Notes for DELAYED costs	Estimated cost to submit the DMRs for the annual monitoring periods from 2017 through 2020 for Outfall Nos. 001Y, 002Y, TX1Y, and TX2Y (18 x \$25 per report). The Date Required is the initial DMR due date. The Final Date is the date DMRs were provided.						

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
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	\$400	TOTAL	\$98
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Compliance History Report

Compliance History Report for CN604385807, RN108365560, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN604385807, Ranger Ready Mix, LLC **Classification:** SATISFACTORY **Rating:** 1.81

Regulated Entity: RN108365560, RRM BP 1 **Classification:** HIGH **Rating:** 0.00

Complexity Points: 4 **Repeat Violator:** NO

CH Group: 10 - Cement and Concrete Product Manufacturing

Location: 1201 County Road 107 in Hutto, Williamson County, Texas

TCEQ Region: REGION 11 - AUSTIN

ID Number(s):
PETROLEUM STORAGE TANK REGISTRATION **WASTEWATER PERMIT** TXG111622
 REGISTRATION 87760

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

Date Compliance History Report Prepared: October 09, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 09, 2018 to October 09, 2023

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Harley Hobson **Phone:** (512) 239-1337

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:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	March 22, 2021	(1733818)	Item 10	February 08, 2023	(1892749)
Item 2	July 26, 2022	(1837894)	Item 11	February 17, 2023	(1884958)
Item 3	July 27, 2022	(1837895)	Item 12	February 21, 2023	(1884950)
Item 4	August 08, 2022	(1851589)	Item 13	March 02, 2023	(1901339)
Item 5	September 08, 2022	(1859010)	Item 14	April 10, 2023	(1908124)
Item 6	October 07, 2022	(1865349)	Item 15	May 04, 2023	(1915257)
Item 7	November 04, 2022	(1872238)	Item 16	June 07, 2023	(1921907)
Item 8	December 07, 2022	(1878127)	Item 17	July 10, 2023	(1928872)
Item 9	January 06, 2023	(1884976)			

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:

Notice of Intent Date: 11/28/2018 (1532951)

Disclosure Date: 02/05/2019

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110
5C THSC Chapter 382 382.0518
5C THSC Chapter 382 382.085

Description: Failure to obtain air authorization for site and operations.

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)

Description: Failure to update the permit to reflect equipment change. The concrete batch plant currently operating on the site is not the original equipment that was represented in the permit application.

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)

Description: Failure to update the permit to reflect current generator in use. A generator engine is on site and was not represented in the permit application.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter F 116.615(5)

Description: Failure to submit start-up notification to the appropriate air program regional office upon the start of operation of the Concrete Batch Plant.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)

Description: Failure to maintain production records to meet all permit requirements to demonstrate compliance.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)

Description: Failure to maintain easily accessible records of repair and maintenance of abatement systems along with silo warning device tests.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)

Description: Failure to maintain Material Safety Data Sheets for all additives and other chemicals including type of fuels.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)

Description: Failure to maintain records of road cleaning, application of road dust control, or road maintenance for dust control records, or stockpile dust suppression of a regular basis

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)

Description: Failure to conduct quarterly visual emissions observations.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)

Description: Failure meet the requirements of the stormwater permit. This includes not developing a stormwater plan, meeting recordkeeping requirements, sampling and failing to submit Discharge Monitoring reports and annual Benchmark forms.

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



Compliance History Report

Compliance History Report for CN604385807, RN109335026, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN604385807, Ranger Ready Mix, LLC **Classification:** SATISFACTORY **Rating:** 1.81

Regulated Entity: RN109335026, RANGER READYMIX **Classification:** SATISFACTORY **Rating:** 1.50

Complexity Points: 5 **Repeat Violator:** NO

CH Group: 10 - Cement and Concrete Product Manufacturing

Location: 25999 Ronald Reagan Boulevard in Georgetown, Williamson County, Texas

TCEQ Region: REGION 11 - AUSTIN

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 88669

EDWARDS AQUIFER PERMIT 11001024

WATER QUALITY NON PERMITTED ID NUMBER
R11109335026

WASTEWATER PERMIT TXG111897

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

Date Compliance History Report Prepared: October 09, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 09, 2018 to October 09, 2023

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

Name: Harley Hobson

Phone: (512) 239-1337

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: 10/23/2018 | ADMINORDER 2017-1669-EAQ-E (1660 Order-Agreed Order With Denial) |
| | Classification: Major | |
| | Citation: 30 TAC Chapter 213, SubChapter B 213.23(a)(1) | |
| | Description: Failed to obtain approval of an Edwards Aquifer Protection Plan ("EAPP") prior to commencing a regulated activity over the Edwards Aquifer Contributing Zone. Specifically, the Respondent commenced operation of a concrete batch plant and installed four aboveground petroleum storage tanks without approval of a Contributing Zone Plan ("CZP"). | |

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	July 26, 2022	(1837987)	Item 9	February 17, 2023	(1885054)
Item 2	August 08, 2022	(1851660)	Item 10	February 21, 2023	(1885074)
Item 3	September 08, 2022	(1859080)	Item 11	March 02, 2023	(1901408)
Item 4	October 07, 2022	(1865419)	Item 12	April 10, 2023	(1908193)
Item 5	November 04, 2022	(1872308)	Item 13	May 04, 2023	(1915326)
Item 6	December 07, 2022	(1878190)	Item 14	June 07, 2023	(1921976)
Item 7	January 06, 2023	(1885086)	Item 15	July 10, 2023	(1928941)
Item 8	February 08, 2023	(1892819)			

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:

Notice of Intent Date: 11/29/2018 (1532988)

No DOV Associated

Notice of Intent Date: 11/29/2018 (1532989)

No DOV Associated

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 READY MIX, LLC
RN108365560 AND RN109335026

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-1597-WQ-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Ranger Ready Mix, LLC (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a concrete batch plant located at 1201 County Road 107 in Hutto, Williamson County, Texas ("Facility No. 1") and a concrete batch plant located at 25999 Ronald Reagan Boulevard in Georgetown, Williamson County, Texas ("Facility No. 2"). The Facilities are near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$22,010 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$17,608 of the penalty and \$4,402 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facilities:
 - a. By February 19, 2023, submitted the discharge monitoring reports ("DMRs") for:
 - i. Outfall Nos. 001Y and TX1Y for the annual monitoring period of 2020 for Facility No. 1;
 - ii. Outfall Nos. 003Y, 004Y, 005Y, TX3Y, TX4Y, and TX5Y for the annual monitoring period of 2020 for Facility No. 1;
 - iii. Outfall Nos. 001Y and TX1Y for the annual monitoring periods of 2017 through 2020 for Facility No. 2; and
 - iv. Outfall Nos. 003Y, 004Y, 005Y, TX3Y, TX4Y, and TX5Y for the annual monitoring periods of 2019 and 2020 for Facility No. 2.
 - b. By February 21, 2023, submitted the DMRs for:
 - i. Outfall No. 001A for the monthly monitoring periods of June 2020 through February 2021 and April 2021 through June 2021 for Facility No. 1;
 - ii. Outfall Nos. 003A, 004A, and 005A for the monthly monitoring periods of June 2020 through June 2021 for Facility No. 1; and
 - iii. Outfall Nos. 001A and 002A for the monthly monitoring periods of April 2017 through June 2021 for Facility No. 2.

II. ALLEGATIONS

1. During a record review for Facility No. 1 conducted on September 14, 2021, an investigator documented that the Respondent:
 - a. Failed to timely submit monitoring results at intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG111622, Part III, Section A, Permit Requirements No. 1; and Part IV, Standard Permit Conditions No. 7.f. Specifically, the DMRs for the monthly monitoring

periods of June 2020 through February 2021 and April 2021 through June 2021 for Outfall No. 001A and June 2020 through June 2021 for Outfall Nos. 003A, 004A, and 005A were not submitted by the 20th day of the following month.

- b. Failed to timely submit monitoring results at intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES General Permit No. TXG111622, Part III, Section A, Permit Requirements No. 2; and Part IV, Standard Permit Conditions No. 7.f. Specifically, the DMRs for the annual monitoring period of 2020 for Outfall Nos. 001Y and TX1Y and for the annual monitoring period of 2020 for Outfall Nos. 003Y, 004Y, 005Y, TX3Y, TX4Y, and TX5Y were not submitted by March 31st of the following year.
2. During a record review for Facility No. 2 conducted on September 15, 2021, an investigator documented that the Respondent:
 - a. Failed to timely submit monitoring results at intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES General Permit No. TXG111897, Part III, Section A, Permit Requirements No. 1; and Part IV, Standard Permit Conditions No. 7.f. Specifically, the DMRs for the monthly monitoring periods of April 2017 through June 2021 for Outfall Nos. 001A and 002A were not submitted by the 20th day of the following month.
 - b. Failed to timely submit monitoring results at intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES General Permit No. TXG111897, Part III, Section A, Permit Requirements No. 2; and Part IV, Standard Permit Conditions No. 7.f. Specifically, the DMRs for the annual monitoring periods of 2017 through 2020 for Outfall Nos. 001Y, 002Y, TX1Y, and TX2Y were not submitted by March 31st of the following year.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action 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 Ready Mix, LLC, Docket No. 2021-1597-WQ-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. All relief not expressly granted in this Order is denied.

3. 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 operations at the Facilities referenced in this Order.
4. 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.
5. 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.
6. 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.
7. 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

7/26/2024

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 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.

Signature

Date

Dan McBride

Name (Printed or typed)
Authorized Representative of
Ranger Ready Mix, LLC

7/22/24

Member

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.