

Layne Properties, LLC
RN106492234
Docket No. 2022-0307-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 Where Violations Occurred:

1391 Northwest Parkway, Azle, Parker County

Type of Operation:

public water system

Other Significant Matters:

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

Texas Register Publication Date:	August 16, 2024
---	-----------------

Comments Received:	None
---------------------------	------

Penalty Information

Total Penalty Assessed:	\$7,248
--------------------------------	---------

Total Paid to General Revenue:	\$213
---------------------------------------	-------

Total Due to General Revenue:	\$7,035
--------------------------------------	---------

Payment Plan:	35 payments of \$201 each
---------------	---------------------------

Compliance History Classifications:

Person/CN -	N/A
Site/RN -	N/A

Major Source:	No
----------------------	----

Statutory Limit Adjustment:	None
------------------------------------	------

Applicable Penalty Policy:	January 28, 2021
-----------------------------------	------------------

Investigation Information

Complaint Date:	N/A
------------------------	-----

Date of Investigation:	December 1, 2021
-------------------------------	------------------

Date of NOV:	N/A
---------------------	-----

Date of NOE:	January 21, 2022
---------------------	------------------

Layne Properties, LLC
RN106492234
Docket No. 2022-0307-PWS-E

Violation Information

1. Failed to obtain a sanitary control easement covering land within 150 feet of the Facility's well [30 TEX. ADMIN. CODE § 290.41(c)(1)(F) and TCEQ Agreed Order Docket No. 2019-0941-PWS-E, Ordering Provision No. 2.a.i.].
2. Failed to keep on file copies of well completion data as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A) for as long as the well remains in service [30 TEX. ADMIN. CODE § 290.46(n)(3) and TCEQ Agreed Order Docket No. 2019-0941-PWS-E, Ordering Provision No. 2.a.ii.].

Corrective Actions/Technical Requirements

Corrective Actions Completed:

Respondent no longer owns or operates the Facility as of June 15, 2022.

Technical Requirements:

None

Litigation Information

Date Petitions Filed: November 14, 2023
Date of Service: November 16, 2023
Settlement Date: July 11, 2024

Contact Information

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

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

TCEQ Enforcement Coordinator: Ronica Rodriguez Scott, Enforcement Division, (361) 881-6990

TCEQ Regional Contact: Brent Candler, DFW Regional Office, (817) 588-5800

Respondent Contact: Michael Davidson, Owner, Layne Properties, LLC, 1421 Northwest Parkway,
Suite 100, Azle, Texas 76020

Respondent's Attorney: Tyler A. Harden, Attorney, P.C., 415 West Main Street, Azle, Texas 76020



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	24-Jan-2022	Screening	9-Mar-2022	EPA Due	
	PCW	18-Dec-2023				

RESPONDENT/FACILITY INFORMATION	
Respondent	Layne Properties, LLC
Reg. Ent. Ref. No.	RN106492234
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	57925	No. of Violations	2
Docket No.	2022-0307-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Ronica Rodriguez Scott
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$5,850
---	-------------------	----------------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	20.0% Adjustment	Subtotals 2, 3, & 7	\$1,170
---------------------------	-------------------------	--------------------------------	----------------

Notes	Enhancement for one agreed order containing a denial of liability.
--------------	--

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
--------------------	----	-------------------------	-------------------	------------

Notes	The Respondent does not meet the culpability criteria.
--------------	--

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
--	-------------------	------------

Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
-------------------------	--------------------------	-------------------	------------

Total EB Amounts	\$228	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$205	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,020
-----------------------------	-----------------------	----------------

OTHER FACTORS AS JUSTICE MAY REQUIRE	3.2% Adjustment	\$228
---	------------------------	--------------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Enhancement to capture the avoided cost of compliance associated with Violation Nos. 1 and 2.
--------------	---

Final Penalty Amount	\$7,248
-----------------------------	----------------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,248
-----------------------------------	-------------------------------	----------------

DEFERRAL	0.0% Reduction Adjustment	\$0
-----------------	----------------------------------	------------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.
--------------	---

PAYABLE PENALTY	\$7,248
------------------------	----------------

Screening Date 9-Mar-2022

Docket No. 2022-0307-PWS-E

PCW

Respondent Layne Properties, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 57925

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN106492234

Media Public Water Supply

Enf. Coordinator Ronica Rodriguez Scott

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>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 20%

>> 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 containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 20%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 20%

Screening Date 9-Mar-2022 **Docket No.** 2022-0307-PWS-E **PCW**
Respondent Layne Properties, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 57925 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN106492234
Media Public Water Supply
Enf. Coordinator Ronica Rodriguez Scott

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(1)(F) and TCEQ Agreed Order Docket No. 2019-0941-PWS-E, Ordering Provision No. 2.a.i

Violation Description Failed to obtain a sanitary control easement covering land within 150 feet of the Facility's well.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Failure to have a sanitary control easement in place could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,850

\$150

Violation Events

Number of Violation Events 9 Number of violation days 785

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,350

Nine quarterly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2019-0941-PWS-E, January 14, 2020, to the date of screening, March 9, 2022.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$1,350

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$28

Violation Final Penalty Total \$1,673

This violation Final Assessed Penalty (adjusted for limits) \$1,673

Economic Benefit Worksheet

Respondent Layne Properties, LLC
Case ID No. 57925
Reg. Ent. Reference No. RN106492234
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$25	14-Jan-2020	9-Mar-2022	2.15	\$3	\$25	\$28
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The ONE-TIME avoided cost includes the estimated amount to obtain and record a sanitary control easement for the Facility's well (\$25 per well x one well), or obtain an exception to the requirement, calculated from the effective date of TCEQ Agreed Order Docket No. 2019-0941-PWS-E to the screening date.

Approx. Cost of Compliance

\$25

TOTAL

\$28

Screening Date 9-Mar-2022 **Docket No.** 2022-0307-PWS-E **PCW**
Respondent Layne Properties, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 57925 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN106492234
Media Public Water Supply
Enf. Coordinator Ronica Rodriguez Scott

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 290.46(n)(3) and TCEQ Agreed Order Docket No. 2019-0941-PWS-E, Ordering Provision No. 2.a.ii
Violation Description Failed to keep on file copies of well completion data as defined in 30 Tex. Admin. Code 290.41(c)(3)(A) for as long as the well remains in service.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			x		
	100% of the rule requirements were not met.				

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 9 785 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$4,500

Nine quarterly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2019-0941-PWS-E, January 14, 2020, to the date of screening, March 9, 2022.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$4,500

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

Estimated EB Amount \$200 **Violation Final Penalty Total** \$5,575

This violation Final Assessed Penalty (adjusted for limits) \$5,575

Economic Benefit Worksheet

Respondent Layne Properties, LLC
Case ID No. 57925
Reg. Ent. Reference No. RN106492234
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$180	14-Jan-2020	9-Mar-2022	2.15	\$20	\$180	\$200
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The ONE-TIME avoided cost includes the estimated amount to keep on file well completion data at the Facility, as defined in 30 Tex. Admin. Code § 290.41(c)(3)(A), calculated from the effective date of TCEQ Agreed Order Docket No. 2019-0941-PWS-E to the screening date.

Approx. Cost of Compliance

\$180

TOTAL

\$200



Compliance History Report

Compliance History Report for CN604126383, RN106492234, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator: CN604126383, Layne Properties, LLC **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN106492234, BUMBLE BEE OCCASIONS **Classification:** NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: 1391 NORTHWEST PARK WAY IN AZLE, PARKER COUNTY, TEXAS

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1840180

Compliance History Period: September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022

Date Compliance History Report Prepared: May 02, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 02, 2018 to May 02, 2023

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

Name: Ronica Rodriguez Scott

Phone: (361) 881-6990

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: 01/14/2020 ADMINORDER 2019-0941-PWS-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
 Description: Failed to obtain a sanitary control easement covering land within 150 feet of the Facility's well
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(3)
 Description: Failed to keep on file copies of well completion data as defined in 30 Tex. Admin. Code § 290.41(c)(3)(A) for as long as the well remains in service

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

N/A

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

Component Appendices

Appendix A

All NOV's Issued During Component Period 5/2/2018 and 5/2/2023

1	Date: 06/20/2018 (1483983)		
	Self Report? NO	Classification: Moderate	
	Citation:		
	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)		
	Description: Failure to record the amount of chemical used on a weekly basis. EIC B3 MOD(2)(B)		
	Self Report? NO	Classification: Minor	
	Citation:		
	30 TAC Chapter 290, SubChapter F 290.109(d)(1)(A) 30 TAC Chapter 290, SubChapter F 290.109(d)(1)(B)		
	Description: Failure to collect bacteriological samples at representative locations. EIC C1 MIN(3)(A)		
	Self Report? NO	Classification: Moderate	
	Citation:		
	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii) 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(A)		
	Description: Failure to monitor chlorine residual at representative locations on a weekly basis. EIC C1 MOD(3)(A)		
	Self Report? NO	Classification: Moderate	
	Citation:		
	30 TAC Chapter 290, SubChapter D 290.42(l)		
	Description: Failure to have a plant operations manual. EIC B3 MOD(2)(B)		
	Self Report? NO	Classification: Moderate	
	Citation:		
	30 TAC Chapter 290, SubChapter F 290.119(b) 30 TAC Chapter 290, SubChapter F 290.119(b)(7) 40 CFR Chapter 141, SubChapter D, PT 141, SubPT K 141.131(c)		
	Description: Failure to use an EPA approved disinfectant residual analyzer. EIC B18.c.13 MOD(2)(A)		
	Self Report? NO	Classification: Moderate	
	Citation:		
	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)		
	Description: Failure to provide security for well facilities. EIC B14 MOD(2)(G)		
	Self Report? NO	Classification: Moderate	
	Citation:		
	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(B)		
	Description: Failure to maintain well casing which is 18 inches above ground. EIC B17 MOD(2)(G)		
	Self Report? NO	Classification: Minor	
	Citation:		
	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)		
	Description: Failure to maintain a proper concrete sealing block. EIC C4 MIN(3)(D)		
	Self Report? NO	Classification: Moderate	
	Citation:		
	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)		
	Description: Failure to provide a flow-measuring device on the well.		

	EIC B15 MOD(2)(A)		
Self Report?	NO	Classification:	Minor
Citation:			
	30 TAC Chapter 290, SubChapter D 290.45(d)(2)(A)		
	30 TAC Chapter 290, SubChapter D 290.45(d)(2)(A)(ii)		
Description:	Failure to provide a pressure tank capacity with a minimum of 220 gallons. EIC B17 MIN(3)(D)		
Self Report?	NO	Classification:	Moderate
Citation:			
	30 TAC Chapter 290, SubChapter D 290.42(j)		
Description:	Failure to provide documentation of ANSI/NSF Standard 60 for all direct chemical additives. EIC C3 MOD(2)(B)		
Self Report?	NO	Classification:	Moderate
Citation:			
	30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)		
Description:	Failed to obtain a sanitary control easement covering land within 150 feet of the Facility's well		
Self Report?	NO	Classification:	Moderate
Citation:			
	30 TAC Chapter 290, SubChapter D 290.46(n)(3)		
Description:	Failed to keep on file copies of well completion data as defined in 30 Tex. Admin. Code § 290.41(c)(3)(A) for as long as the well remains in service		

* NOVs applicable for the Compliance History rating period 9/1/2017 to 8/31/2022

Appendix B
All Investigations Conducted During Component Period May 02, 2018 and May 02, 2023

Item 1	June 18, 2018**	(1483983)
Item 2	August 07, 2018**	(1505621)
Item 3	November 19, 2018**	(1526631)
Item 4	December 12, 2018**	(1531918)
Item 5	April 24, 2019**	(1555327)
Item 6	June 26, 2019**	(1576101)
Item 7	January 21, 2022**	(1776033)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2017 and 08/31/2022.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT
ACTION CONCERNING

LAYNE PROPERTIES, LLC;

RN106492234

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER

DOCKET NO. 2022-0307-PWS-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Layne Properties, LLC ("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 owned and operated a public water system ("PWS") located at 1391 Northwest Parkway in Azle, Parker County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately one service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a PWS as defined in 30 TEX. ADMIN. CODE § 290.38(73).
2. During a record review conducted on December 1, 2021, an investigator documented that Respondent:
 - a. Failed to obtain a sanitary control easement covering land within 150 feet of the Facility's well; and
 - b. Failed to keep on file copies of well completion data as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A) for as long as the well remains in service.
3. The Executive Director recognizes that Respondent no longer owns or operates the Facility as of June 15, 2022.

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 obtain a sanitary control easement covering land within 150 feet of the Facility's well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F) and TCEQ Agreed Order Docket No. 2019-0941-PWS-E, Ordering Provision No. 2.a.i.
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to keep on file copies of well completion data as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A) for as long as the well remains in service, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(3) and TCEQ Agreed Order Docket No. 2019-0941-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 \$7,248 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(a). Respondent paid \$213 of the penalty. The remaining amount of \$7,035 shall be paid in 35 monthly payments of \$201 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, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, 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: Layne Properties, LLC, Docket No. 2022-0307-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. 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 Respondent.


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 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.
5. 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.
6. 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.
7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format (“pdf”), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term “signature” shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



9/9/24

For the Executive Director

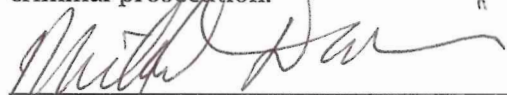
Date

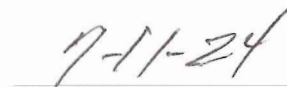
I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions in this Order and/or failure to timely pay the penalty amount may result in:

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

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





Signature - Michael Davidson, Member
Layne Properties, LLC
2766 East Highway 199
Springtown, Texas 76082

Date

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