

**Executive Summary – Enforcement Matter – Case No. 64139
Ranch Hand Apartments, LLC
RN108863192
Docket No. 2023-0745-PWS-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Ranch Hand Apartments, 10570 West U.S. Highway 60, Canyon, Randall County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: December 27, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$13,187

Amount Deferred for Expedited Settlement: \$2,637

Total Paid to General Revenue: \$10,550

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Unclassified

Site/RN - Unclassified

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: May 1, 2023

Date(s) of NOE(s): June 9, 2023

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Ranch Hand Apartments, LLC
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Violation Information

1. Failed to protect all well units with an intruder-resistant fence with a lockable gate or enclose the well in a locked and ventilated well house to exclude possible contamination or damage to the facilities by trespassers. Specifically, there was no intruder resistant fence or lockable housing around the Facility's three wells [30 TEX. ADMIN. CODE § 290.41(c)(3)(O)].

2. Failed to post a legible sign at the Facility's production, treatment, and storage facilities that contains the name of the Facility and emergency telephone number where a responsible official can be contacted [30 TEX. ADMIN. CODE § 290.46(t)].

3. Failed to calibrate the Facility's well meter at least once every three years. Specifically, Well Nos. 1 and 3 had not been calibrated within the last three years [30 TEX. ADMIN. CODE § 290.46(s)(1)].

4. Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, the Facility had 36 connections in Pressure Plane No. 1 requiring a well capacity of 21.6 gpm. However, only 16 gpm of well capacity was provided, indicating a 26% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

5. Failed to provide a well capacity of 0.6 gpm per connection. Specifically, the Facility had 24 connections in Pressure Plane No. 2 requiring a well capacity of 14.4 gpm. However, only 5 gpm of well capacity was provided indicating a 65% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, calibrate the Facility's meters for Well Nos. 1 and 3.
- b. Within 45 days, submit written certification to demonstrate compliance with a.
- c. Within 60 days, provide a legible sign at each production, treatment, and storage facility with an emergency phone number where a responsible official can be contacted.
- d. Within 75 days, submit written certification to demonstrate compliance with c.

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- e. Within 90 days, provide an intruder-resistant fence with a lockable gate or a locked and ventilated well house to protect the Facility's well units that remains locked during periods of darkness and when the Facility is unattended.
- f. Within 105 days, submit written certification to demonstrate compliance with e.
- g. Within 180 days:
 - i. Provide a well capacity of at least 0.6 gpm per connection for Pressure Plane No. 1; and
 - ii. Provide a well capacity of at least 0.6 gpm per connection for Pressure Plane No. 2.
- h. Within 195 days, submit written certification to demonstrate compliance with g.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Miles Wehner, Enforcement Division, Enforcement Team 5, MC 219, (512) 239-2813; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Mark Hughes, Owner, Ranch Hand Apartments, LLC, 10570 West U.S. Highway 60, Canyon, Texas 79015

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	5-Jun-2023	Screening	8-Jun-2023	EPA Due	
	PCW	25-Oct-2023				

RESPONDENT/FACILITY INFORMATION	
Respondent	Ranch Hand Apartments, LLC
Reg. Ent. Ref. No.	RN108863192
Facility/Site Region	1-Amarillo
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	64139	No. of Violations	5
Docket No.	2023-0745-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Miles Wehner
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$8,750
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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	50.0%	Adjustment	Subtotals 2, 3, & 7	\$4,375
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Notes	Enhancement for two findings orders without a denial of liability.
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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	\$2,641	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	#NAME?	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$13,125
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.5%	Adjustment	\$62
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Enhancement to capture the avoided cost of compliance associated with Violation No. 3.
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Final Penalty Amount	\$13,187
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$13,187
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DEFERRAL	20.0%	Reduction	Adjustment	-\$2,637
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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	\$10,550
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Screening Date 8-Jun-2023

Docket No. 2023-0745-PWS-E

PCW

Respondent Ranch Hand Apartments, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 64139

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN108863192

Media Public Water Supply

Enf. Coordinator Miles Wehner

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	2	50%
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) 50%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two findings orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 50%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 50%

Screening Date 8-Jun-2023 **Docket No.** 2023-0745-PWS-E **PCW**
Respondent Ranch Hand Apartments, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 64139 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN108863192
Media Public Water Supply
Enf. Coordinator Miles Wehner

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(O)

Violation Description Failed to protect all well units with an intruder-resistant fence with a lockable gate or enclose the well in a locked and ventilated well house to exclude possible contamination or damage to the facilities by trespassers. Specifically, there was no intruder resistant fence or lockable housing around the Facility's three wells.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential	x				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Failure to protect the wells could expose persons served by the Facility to contaminants which would exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 6 38 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$4,500

Six monthly events are recommended (two events per well unit), calculated from the date of the investigation, May 1, 2023, to the date of screening, June 8, 2023.

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 \$4,500

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

Estimated EB Amount \$783 **Violation Final Penalty Total** \$6,782

This violation Final Assessed Penalty (adjusted for limits) \$6,782

Economic Benefit Worksheet

Respondent Ranch Hand Apartments, LLC
Case ID No. 64139
Reg. Ent. Reference No. RN108863192
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	1-May-2023	26-Jul-2025	2.24	\$37	\$746	\$783
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 the three well units with an intruder-resistant fence with a lockable gate or enclose the well in a locked and ventilated well house, calculated from investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$783

Screening Date 8-Jun-2023 **Docket No.** 2023-0745-PWS-E **PCW**
Respondent Ranch Hand Apartments, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 64139 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN108863192
Media Public Water Supply
Enf. Coordinator Miles Wehner

Violation Number

Rule Cite(s)

Violation Description

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="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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 checked="" type="text" value="x"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>

Notes

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 Ranch Hand Apartments, LLC
Case ID No. 64139
Reg. Ent. Reference No. RN108863192
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
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$400	1-May-2023	26-Jun-2025	2.16	\$3	\$57	\$60
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 post a legible sign at each production facility (\$100 per sign), calculated from the investigation date to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$400

TOTAL

\$60

Screening Date 8-Jun-2023 **Docket No.** 2023-0745-PWS-E **PCW**
Respondent Ranch Hand Apartments, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 64139 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN108863192
Media Public Water Supply
Enf. Coordinator Miles Wehner

Violation Number

Rule Cite(s)

Violation Description

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="5.0%"/>
	Potential	<input type="text"/>	<input type="text" value="x"/>	<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

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDRP/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

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 Ranch Hand Apartments, LLC
Case ID No. 64139
Reg. Ent. Reference No. RN108863192
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	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)	\$62	1-May-2023	27-May-2025	2.07	\$6	n/a	\$6

Notes for DELAYED costs

The avoided cost includes the estimated amount to calibrate the Facility's well meters (\$31 per well meter x two meters), calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$62	1-May-2023	8-Jun-2023	0.10	\$0	\$62	\$62
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to calibrate the Facility's well meters (\$31 per well meter x two meters), calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance

\$124

TOTAL

\$68

Screening Date 8-Jun-2023 **Docket No.** 2023-0745-PWS-E **PCW**
Respondent Ranch Hand Apartments, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 64139 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN108863192
Media Public Water Supply
Enf. Coordinator Miles Wehner

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(i) and Tex. Health & Safety Code § 341.0315(c)
Violation Description Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, the Facility had 36 connections in Pressure Plane No. 1 requiring a well capacity of 21.6 gpm. However, only 16 gpm of well capacity was provided, indicating a 26% deficiency.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5.0%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Failure to provide adequate well capacity could expose persons served by the Facility to a significant amount of contaminants that would not exceed levels that are protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 38 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$250

One quarterly event is recommended, calculated from the date of the investigation, May 1, 2023, to the date of screening, June 8, 2023.

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 \$250

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

Estimated EB Amount \$865 **Violation Final Penalty Total** \$377

This violation Final Assessed Penalty (adjusted for limits) \$377

Economic Benefit Worksheet

Respondent Ranch Hand Apartments, LLC
Case ID No. 64139
Reg. Ent. Reference No. RN108863192
Media Public Water Supply
Violation No. 4

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	\$5,000	1-May-2023	19-Oct-2025	2.47	\$41	\$824	\$865
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 a well capacity of at least 0.6 gpm per connection in Pressure Plane No. 1, calculated from the investigation date to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$865

Screening Date 8-Jun-2023 **Docket No.** 2023-0745-PWS-E **PCW**
Respondent Ranch Hand Apartments, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 64139 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN108863192
Media Public Water Supply
Enf. Coordinator Miles Wehner

Violation Number 5
Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(i) and Tex. Health & Safety Code § 341.0315(c)
Violation Description Failed to provide a well capacity of 0.6 gpm per connection. Specifically, the Facility had 24 connections in Pressure Plane No. 2 requiring a well capacity of 14.4 gpm. However, only 5 gpm of well capacity was provided indicating a 65% deficiency.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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 adequate well capacity could expose persons served by the Facility to contaminants that would exceed levels that are protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 2 38 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$1,500

Two monthly events are recommended, calculated from the date of the investigation, May 1, 2023, to the date of screening, June 8, 2023.

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 \$1,500

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

Estimated EB Amount \$865 **Violation Final Penalty Total** \$2,261

This violation Final Assessed Penalty (adjusted for limits) \$2,261

Economic Benefit Worksheet

Respondent Ranch Hand Apartments, LLC
Case ID No. 64139
Reg. Ent. Reference No. RN108863192
Media Public Water Supply
Violation No. 5

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	\$5,000	1-May-2023	19-Oct-2025	2.47	\$41	\$824	\$865
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 a well capacity of at least 0.6 gpm per connection in Pressure Plane No. 2, calculated from the investigation date to the estimated date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance	\$5,000	TOTAL	\$865
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Compliance History Report

Compliance History Report for CN605017029, RN108863192, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN605017029, Ranch Hand Apartments, LLC **Classification:** UNCLASSIFIED **Rating:** -----

Regulated Entity: RN108863192, RANCH HAND APARTMENTS **Classification:** UNCLASSIFIED **Rating:** -----

Complexity Points: 0 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 10570 WEST UNITED STATES HIGHWAY 60 NEAR CANYON, RANDALL COUNTY, TEXAS

TCEQ Region: REGION 01 - AMARILLO

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
1910158

Compliance History Period: September 01, 2019 to August 31, 2024 **Rating Year:** 2024 **Rating Date:** 09/01/2024

Date Compliance History Report Prepared: October 24, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 24, 2019 to October 24, 2024

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

Name: Miles Wehner

Phone: (512) 239-2813

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: 03/06/2020 ADMINORDER 2019-0303-PWS-E (Findings Order-Agreed Order Without Denial)

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.39(e)(1)
30 TAC Chapter 290, SubChapter D 290.39(h)(1)
5A THSC Chapter 341, SubChapter A 341.035(a)

Rqmt Prov: Ordering Provision Nos. 2.c and 2.e ORDER

Description: Failed to submit plans and specifications to the Executive Director for review and approval prior to the construction of a new public water system. Specifically, the Respondent was operating a business which meets the definition of a community public water system without obtaining approval.

Classification: Major

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

Description: Failed to provide a total storage capacity of 200 gallons per connection. Specifically, with 87 connections, the Facility is required to provide 17,400 gallons in total storage. However, no storage was provided, indicating a 100% deficiency.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)

Description: Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, a record of the amount of water distributed each week was not available for review.

Classification: Major

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

Description: Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection at each pump station or pressure plane. Specifically, with 87 connections, the Facility is required to provide 174 gpm in service pump capacity using two or more pumps. However, no service pumps were provided, indicating a 100% deficiency.

2 Effective Date: 12/02/2023 ADMINORDER 2022-0063-PWS-E (Findings Order-After Hearing/Trial)

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: 2.c.i ORDER

Description: Failed to provide a total storage capacity of 200 gallons per connection. Specifically, the Facility had 87 connections requiring a total storage capacity of 17,400 gallons. However, no storage was provided, indicating a 100% deficiency.

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: 2.c.ii ORDER

Description: Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection at each pump station or pressure plane. Specifically, the Facility had 87 connections requiring a service pump capacity of 174 gpm per connection. However, no service pumps were provided, indicating a 100% deficiency.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.39(e)(1)
30 TAC Chapter 290, SubChapter D 290.39(h)(1)
5A THSC Chapter 341, SubChapter A 341.0315(a)

Rqmt Prov: 2.c.iii and 2.e ORDER

Description: Failed to submit plans and specifications to the Executive Director for review and approval prior to the construction of a new public water supply. Specifically, the Respondent was operating a business which meets the definition of a community public water supply without obtaining approval.

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
RANCH HAND APARTMENTS, LLC
RN108863192

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2023-0745-PWS-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 Ranch Hand Apartments, LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a public water supply located at 10570 West United States Highway 60 near Canyon, Randall County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 87 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(73).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE § 7.002 and TEX. HEALTH & SAFETY CODE § 341.049, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 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 \$13,187 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$10,550 of the penalty and \$2,637 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.

II. ALLEGATIONS

During an investigation at the Facility conducted on May 1, 2023, an investigator documented that the Respondent:

1. Failed to protect all well units with an intruder-resistant fence with a lockable gate or enclose the well in a locked and ventilated well house to exclude possible contamination or damage to the facilities by trespassers, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(O). Specifically, there was no intruder resistant fence or lockable housing around the Facility's three wells.
2. Failed to post a legible sign at the Facility's production, treatment, and storage facilities that contains the name of the Facility and emergency telephone number where a responsible official can be contacted, in violation of 30 TEX. ADMIN. CODE § 290.46(t).
3. Failed to calibrate the Facility's well meter at least once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1). Specifically, Well Nos. 1 and 3 had not been calibrated within the last three years.
4. Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Facility had 36 connections in Pressure Plane No. 1 requiring a well capacity of 21.6 gpm. However, only 16 gpm of well capacity was provided, indicating a 26% deficiency.
5. Failed to provide a well capacity of 0.6 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Facility had 24 connections in Pressure Plane No. 2 requiring a well capacity of 14.4 gpm. However, only 5 gpm of well capacity was provided indicating a 65% deficiency.

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: Ranch Hand Apartments, LLC, Docket No. 2023-0745-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, calibrate the Facility's meters for Well Nos. 1 and 3, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
 - c. Within 60 days after the effective date of this Order, provide a legible sign at each production, treatment, and storage facility with an emergency phone number where a responsible official can be contacted, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - d. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.
 - e. Within 90 days after the effective date of this Order, provide an intruder-resistant fence with a lockable gate or a locked and ventilated well house to protect the Facility's well units that remains locked during periods of darkness and when the Facility is unattended, in accordance with 30 TEX. ADMIN. CODE § 290.41.
 - f. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e.

- g. Within 180 days after the effective date of this Order,
 - i. Provide a well capacity of at least 0.6 gpm per connection for Pressure Plane No. 1, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - ii. Provide a well capacity of at least 0.6 gpm per connection for Pressure Plane No. 2, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- h. Within 195 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.g.i and 2.g.ii The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Amarillo Regional Office
Texas Commission on Environmental Quality
3918 Canyon Drive
Amarillo, Texas 79109-4933

- 3. All relief not expressly granted in this Order is denied.
- 4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
- 5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.

6. 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.
7. 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.
8. 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

1/31/2025

Date

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

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

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

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



Signature

01/22/25

Date

Mark Hughes
Name (Printed or typed)
Authorized Representative of
Ranch Hand Apartments, LLC

Owner

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.