

Executive Summary – Enforcement Matter – Case No. 66414

Slice of EP LLC

RN101273753

Docket No. 2024-1265-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three repeated enforcement actions (or two orders with nuisance violations) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Valley Acres MHP Water System, 797 Barley Drive, Canutillo, El Paso 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: April 4, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$62

Total Paid to General Revenue: \$62

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: June 26, 2024

Date(s) of NOE(s): July 8, 2024

Executive Summary – Enforcement Matter – Case No. 66414

Slice of EP LLC

RN101273753

Docket No. 2024-1265-PWS-E

Violation Information

Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 60 days, update and begin maintaining a chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements; and
- b. Within 75 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Taner Hengst, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-1143; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Dirk Dillard, Managing Member, Slice of EP LLC, 220 Silverwood Way, El Paso, Texas 79922-1734

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	15-Jul-2024	Screening	17-Jul-2024	EPA Due	
	PCW	5-Aug-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	Slice of EP LLC
Reg. Ent. Ref. No.	RN101273753
Facility/Site Region	6-El Paso
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	66414	No. of Violations	1
Docket No.	2024-1265-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Taner Hengst
		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	\$50
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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	25.0%	Adjustment	Subtotals 2, 3, & 7	\$12
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Notes: Enhancement for one NOV with same/similar violations and one agreed order containing a denial of liability.

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: \$5
Estimated Cost of Compliance: \$45
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$62
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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	\$62
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$62
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$62
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Screening Date	17-Jul-2024	Docket No.	2024-1265-PWS-E	PCW
Respondent	Slice of EP LLC			
Case ID No.	66414			
Reg. Ent. Reference No.	RN101273753			
Media	Public Water Supply			
Enf. Coordinator	Taner Hengst			

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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>)	1	5%
	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) 25%

>> 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 one NOV with same/similar violations and one agreed order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 25%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 25%

Screening Date 17-Jul-2024		Docket No. 2024-1265-PWS-E		PCW	
Respondent Slice of EP LLC		Policy Revision 5 (January 28, 2021)			
Case ID No. 66414		PCW Revision February 11, 2021			
Reg. Ent. Reference No. RN101273753					
Media Public Water Supply					
Enf. Coordinator Taner Hengst					
Violation Number 1					
Rule Cite(s)		30 Tex. Admin. Code § 290.121(a) and (b)			
Violation Description		Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements. Specifically, the chemical and microbiological monitoring plan was out-of-date.			
Base Penalty				\$5,000	
>> Environmental, Property and Human Health Matrix					
OR	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				
>>Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
				x	Percent 1.0%
Matrix Notes	Less than 30% of the rule requirements were not met.				
Adjustment				\$4,950	
				\$50	
Violation Events					
Number of Violation Events		1	21	Number of violation days	
	daily			Violation Base Penalty \$50	
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			
One single event is recommended.					
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				\$50	
Economic Benefit (EB) for this violation					
Statutory Limit Test					
Estimated EB Amount		\$5		Violation Final Penalty Total \$63	
This violation Final Assessed Penalty (adjusted for limits)				\$63	

Economic Benefit Worksheet

Respondent Slice of EP LLC
Case ID No. 66414
Reg. Ent. Reference No. RN101273753
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)				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)	\$45	25-Sep-2023	9-Oct-2025	2.04	\$5	n/a	\$5
Notes for DELAYED costs The delayed cost includes the estimated amount to update and begin maintaining a chemical and microbiological monitoring plan, calculated from the date of the investigation initially documenting the violation 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 \$45

TOTAL \$5



Compliance History Report

Compliance History Report for CN606075315, RN101273753, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN606075315, Slice of EP LLC **Classification:** UNCLASSIFIED **Rating:** -----

Regulated Entity: RN101273753, VALLEY ACRES MHP WATER SYSTEM **Classification:** UNCLASSIFIED **Rating:** -----

Complexity Points: 1 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 797 BARLEY DRIVE IN CANUTILLO, EL PASO COUNTY, TEXAS

TCEQ Region: REGION 06 - EL PASO

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0710139 **WATER QUALITY NON PERMITTED ID NUMBER** R06101273753

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

Date Compliance History Report Prepared: December 10, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 10, 2019 to December 10, 2024

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Taner Hengst **Phone:** (512) 239-1143

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: 03/29/2022 ADMINORDER 2021-0536-PWS-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)
5A THSC Chapter 341, SubChapter A 341.0351
Description: Failure to notify the TCEQ prior to making any significant change or addition to the system's pressure maintenance facilities. Significant changes in existing systems or supplies shall not be instituted without the prior approval of the executive director. Specifically, the regulated entity failed to obtain approval for the replacement of the existing two (2) 220-gallon pressure tanks with four (4) 119-gallon pressure tanks.

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.

- 1 Date: 06/03/2024 (1987463)

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.121(a)		
Description:	A follow-up investigation was conducted on May 13, 2024, to determine compliance status of this alleged violation. Failure to maintain an up-to-date chemical and microbiological monitoring plan as per 30 §290.121(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 12/10/2019 and 12/10/2024

1	Date: 06/05/2020 (1678095)		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C) 5A THSC Chapter 341, SubChapter A 341.0315(c)		
	Description: ARS MCL 1Q2020 - During the 1st quarter of 2020 the system violated the maximum contaminant level for arsenic with a RAA of 0.020 mg/L.		
2	Date: 09/10/2020 (1678095)		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C) 5A THSC Chapter 341, SubChapter A 341.0315(c)		
	Description: ARS MCL 2Q2020 - During the 2nd quarter of 2020 the system violated the maximum contaminant level for arsenic with a RAA of 0.027 mg/L.		
3	Date: 11/18/2020 (1678968)		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 290, SubChapter D 290.39(j) 5A THSC Chapter 341, SubChapter A 341.0351		
	Description: Failure to notify the TCEQ prior to making any significant change or addition to the system's pressure maintenance facilities. Significant changes in existing systems or supplies shall not be instituted without the prior approval of the executive director. Specifically, the regulated entity failed to obtain approval for the replacement of the existing two (2) 220-gallon pressure tanks with four (4) 119-gallon pressure tanks.		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 290, SubChapter D 290.42(j)		
	Description: Failure to utilize sodium hypochlorite in treatment of water supplied by the public water system which conforms to ANSI/NSF Standard 60 for Drinking Water Treatment Chemicals.		
	Self Report? NO	Classification: Minor	
	Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)		
	Description: Failure to maintain an up-to-date plant operations manual. A thorough plant operations manual must be compiled and kept up-to-date for operator review and reference.		
	Self Report? NO	Classification: Minor	
	Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(1)		
	Description: Failure to provide the 5,000-gallon ground storage tank with a roof vent. Roof vents shall be gooseneck or roof ventilator and be designed by the engineer based on the maximum outflow from the tank. Vents shall be installed in strict accordance with current AWWA standards and shall be equipped with approved screens to prevent entry of animals, birds, insects and heavy air contaminants.		
	Self Report? NO	Classification: Minor	
	Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)		
	Description: Failure to provide the 5,000-gallon ground storage tank with an overflow. Overflows shall be designed in strict accordance with current AWWA standards. If the overflow terminates at any point other than the ground level, it shall be located near enough and at a position accessible from a ladder or the balcony for inspection purposes. The overflow(s) shall be sized to handle the maximum possible fill rate without exceeding the capacity of the overflow(s).		
	Self Report? NO	Classification: Minor	
	Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)		

Description: Failure to provide the 5,000-gallon ground storage tank with a liquid level indicator and failed to maintain the liquid level indicator on the 10,000-gallon ground storage tank. All clearwells and water storage tanks shall have a liquid level indicator located at the tank site. The indicator can be a float with a moving target, an ultrasonic level indicator, or a pressure gauge calibrated in feet of water.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(9)

Description: Failure to obtain prior approval from the TCEQ for the installation of more than three pressure tanks. No more than three pressure tanks shall be installed at any one site without the prior approval of the TCEQ.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iv)

Description: Failure to maintain the calibration records for the well meter. A review of the TCEQ El Paso Region files indicates that a new well meter was purchased in 2018.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(i)

Description: Failure to maintain the results of microbiological analyses. Specifically, the regulated entity was missing analytical reports for the months of February, April, and August of 2020.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)

Description: Failure to inspect each of the system's ground storage tanks and pressure tanks annually by water system personnel or a contracted inspection service. The last completed annual tank inspection forms provided by the regulate entity were from 2017.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)

Description: Failure to maintain electrical wiring securely installed in compliance with a local or national electrical code. Specifically, the wiring associated with the pressure control switch was exposed.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)

Description: Failure to maintain records of the Disinfection Level Quarterly Operating Report (commission Form 20067) for each quarter in 2020.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

Description: Failure to maintain an up-to-date chemical and microbiological monitoring plan.

4*

Date: 10/27/2023 (1931104)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)

Description: Failure to verify the accuracy of manual disinfectant residual analyzers at least once every 90 days using chlorine solutions of known concentrations as per 30 TAC §290.46(s)(2)(C)(i).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)

Description: Failure to maintain the calibrate well meter once every three (3) years as per 30 TAC §290.46 (s)(1).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)

Description: Failure to inspect each of the system's ground storage tanks annually by water system personnel or a contracted inspection service as per 30 TAC §290.46(m)(1).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(1)
 Description: Failure to operate and monitor disinfection equipment in a manner that will assure compliance with the requirements of §290.110 of this title (relating to Disinfectant Residuals) as per 30 TAC §290.46(d)(1).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(2)
 Description: Failure to maintain all storage tank roof hatches locked as per 30 TAC §290.43 (c)(2).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)
 Description: Failure to maintain a free chlorine residual of 0.2 milligrams per liter (mg/L) as per 30 TAC §290.46(d)(2)(A).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
 Description: A follow-up investigation was conducted on May 13, 2024, to determine compliance status of this alleged violation. Failure to maintain an up-to-date chemical and microbiological monitoring plan as per 30 §290.121(a).

5* Date: 06/03/2024 (1987463)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
 Description: A follow-up investigation was conducted on May 13, 2024, to determine compliance status of this alleged violation. Failure to maintain an up-to-date chemical and microbiological monitoring plan as per 30 §290.121(a).

* NOV's applicable for the Compliance History rating period 9/1/2019 to 8/31/2024

Appendix B

All Investigations Conducted During Component Period December 10, 2019 and December 10, 2024

Item 1	September 30, 2020**	(1678095)
Item 2	October 02, 2020**	(1678921)
Item 3	November 20, 2020**	(1678968)
Item 4	April 14, 2021**	(1708095)
Item 5	October 30, 2023**	(1931104)
Item 6	March 21, 2024**	(1972842)
Item 7	June 05, 2024**	(1987463)
Item 8	July 08, 2024**	(1995381)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2019 and 08/31/2024.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
SLICE OF EP LLC
RN101273753

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2024-1265-PWS-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Slice of EP 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 presented this Order to the Commission.

The Respondent understands that they have certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated 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 the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at 797 Barley Drive in Canutillo, El Paso County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 18 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. During a record review for the Facility conducted on June 26, 2024, an investigator documented that the chemical and microbiological monitoring plan was out-of-date.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the 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, the Respondent failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and

laboratories that the Facility will use to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b).

3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$62 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(b). The Respondent paid the \$62 penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the 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 that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Slice of EP LLC, Docket No. 2024-1265-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 60 days after the effective date of this Order, update and begin maintaining a chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements, in accordance with 30 TEX. ADMIN. CODE § 290.121.
 - b. Within 75 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 No. 2.a. 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
El Paso Regional Office
Texas Commission on Environmental Quality
401 East Franklin Avenue, Suite 560
El Paso, Texas 79901-1212

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. 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 in this Order.
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, 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.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned,

digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

5/2/2025

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

02/27/25
Date



Name (Printed or typed)
Authorized Representative of
Slice of EP LLC

Managing 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.