

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2010-0532-MLM-E **TCEQ ID:** RN103949699 **CASE NO.:** 39447

RESPONDENT NAME: Ledezma Ready-Mix, LLC

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:		
<input type="checkbox"/> AIR	<input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input checked="" type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Ledezma Ready Mix, 905 East 2nd Street, Brady, McCulloch County

TYPE OF OPERATION: Ready-mix concrete facility

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on September 6, 2010. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Mr. Samuel Short, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-5363; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495

Respondent: Mr. Abel Ledezma, President, Ledezma Ready-Mix, LLC, 905 East 2nd Street, Brady, Texas 76825

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: January 28, 2010</p> <p>Date of NOV/NOE Relating to this Case: March 18, 2010 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failed to timely submit discharge monitoring reports ("DMRs") for the monitoring periods of February 28, 2009, March 31, 2009, and May 31, 2009 through January 31, 2010, and failed to submit the DMR for the monitoring period ending April 30, 2009, by the 20th day of the following month [30 TEX. ADMIN. CODE § 305.125(17) and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG110909 Part IV Standard Permit Conditions 7(f)].</p> <p>2) Failed to document a description of all potential pollutant sources in the Storm Water Pollution Prevention Plan ("SWP3"). Specifically, additives, trash, air control devices, and waste concrete were not identified in the SWP3 as potential pollutant sources [30 TEX. ADMIN. CODE § 305.125(1) and TPDES General Permit No. TXG110909 Part III Permit Requirements F.2(b)].</p> <p>3) Failed to conduct inspections at the minimum required frequency of at least once per month. Specifically, the investigator documented that the inspections for the months of November and December 2009 were not conducted [30 TEX. ADMIN. CODE § 305.125(1) and TPDES General Permit No. TXG110909, Part III Permit Requirements F.2(c)(4)].</p>	<p>Total Assessed: \$5,544</p> <p>Total Deferred: \$1,108 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$1,436 (remaining \$3,000 due in 3 monthly payments of \$1,000 each)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility;</p> <p>a. On May, 20, 2010, submitted documentation showing that a description of all potential pollutant sources was in the SWP3; and</p> <p>b. On May, 24, 2010, submitted the DMRs for the monitoring periods of February 28, 2009, March 31, 2009, and May 30, 2009 through January 31, 2010.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Remove all discharged industrial solid waste at the Facility and properly dispose of the wastes and contaminated soil at an authorized facility;</p> <p>ii. Submit the DMR for monitoring period ending April 30.</p> <p>iii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly DMRs, and that inspections are conducted at the required frequency of at least once per month; and;</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a.i through a.iii.</p>

WASTE		
<p>4) Failed to prevent the unauthorized discharge of industrial solid waste. Specifically, soil samples of stained soil were taken at two locations around a concrete truck at the Facility. The soil samples had elevated levels of total petroleum hydrocarbons, with levels of 20,000 milligrams per kilograms ("mg/kg") and 33,900 mg/kg [30 TEX. ADMIN. CODE § 335.4].</p>		

Additional ID No(s): TPDES Permit General No. TXG110909



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	22-Mar-2010	Screening	5-Apr-2010	EPA Due	
	PCW	8-Apr-2010				

RESPONDENT/FACILITY INFORMATION	
Respondent	Ledezma Ready-Mix, LLC
Reg. Ent. Ref. No.	RN103949699
Facility/Site Region	8-San Angelo
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	39447	No. of Violations	5
Docket No.	2010-0532-MLM-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media	Industrial and Hazardous Waste	Enf. Coordinator	Samuel Short
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$4,200
---	-------------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	27.0% Enhancement	Subtotals 2, 3, & 7	\$1,134
---------------------------	-------------------	--------------------------------	---------

Notes	Enhancement recommended for having one NOV for the same or similar violations, one NOV for non-similar violations, and one Agreed Order with denial language within the last five years.
--------------	--

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	\$359	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$3,300	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$5,334
-----------------------------	-----------------------	---------

OTHER FACTORS AS JUSTICE MAY REQUIRE	3.9%	Adjustment	\$210
---	------	-------------------	-------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Recommended enhancement to capture the avoided cost of compliance associated with Violation No. 4.
--------------	--

Final Penalty Amount	\$5,544
-----------------------------	---------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$5,544
-----------------------------------	-------------------------------	---------

DEFERRAL	20.0% Reduction	Adjustment	-\$1,108
-----------------	-----------------	-------------------	----------

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	Deferral offered for expedited settlement.
--------------	--

PAYABLE PENALTY	\$4,436
------------------------	---------

Screening Date: 5-Apr-2010

Docket No. 2010-0532-MLM-E

PCW

Respondent Ledezma Ready-Mix, LLC

Policy Revision 2 (September 2002)

Case ID No. 39447

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103949699

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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 (number of judgements or consent decrees meeting criteria)	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 27%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement recommended for having one NOV for the same or similar violations, one NOV for non-similar violations, and one Agreed Order with denial language within the last five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 27%

Screening Date 5-Apr-2010

Docket No. 2010-0532-MLM-E

PCW

Respondent Ledezma Ready-Mix, LLC

Policy Revision 2 (September 2002)

Case ID No. 39447

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103949699

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(17) and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG110909 Part IV Standard Permit Conditions 7(f)

Violation Description Failed to timely submit discharge monitoring reports ("DMRs") for the monitoring periods ending February 28, 2009, March 31, 2009, and May 31, 2009 through January 31, 2010, by the 20th day of the following month.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
				X	1%

Matrix Notes At least 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 11 351 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$1,100

Eleven single events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/Settlement
Extraordinary		
Ordinary		
N/A	X	(mark with x)

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

Violation Subtotal \$1,100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$74

Violation Final Penalty Total \$1,452

This violation Final Assessed Penalty (adjusted for limits) \$1,452

Economic Benefit Worksheet

Respondent: Ledezma Ready-Mix, LLC
Case ID No.: 39447
Reg. Ent. Reference No.: RN103949699
Media: Water Quality
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Item Description: No commas or \$

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	\$550	20-Mar-2009	24-May-2010	1.18	\$32	n/a	\$32
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)	\$500	20-Mar-2009	15-Nov-2010	1.66	\$41	n/a	\$41

Notes for DELAYED costs

The estimated cost to submit the DMRs (\$50 per report) for the monitoring periods ending February 28, 2009, March 31, 2009, and May 31, 2009 through January 31, 2010. Date required is the date the first report was due and the final date is the date of compliance. The estimated cost to update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly DMRs. Date required is the date the first report was due and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,050

TOTAL

\$74

Screening Date 5-Apr-2010

Docket No. 2010-0532-MLM-E

PCW

Respondent Ledezma Ready-Mix, LLC

Policy Revision 2 (September 2002)

Case ID No. 39447

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103949699

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(17) and TPDES General Permit No. TXG110909 Part IV Standard Permit Conditions 7(f)

Violation Description Failed to submit the DMR for the monitoring periods ending April 30, 2009, by the 20th day of the following month.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
	x			10%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 30

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
	Extraordinary	
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$1,320

This violation Final Assessed Penalty (adjusted for limits) \$1,320

Economic Benefit Worksheet

Respondent Ledezma Ready-Mix, LLC
Case ID No. 39447
Reg. Ent. Reference No. RN103949699
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

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	\$50	20-May-2009	15-Nov-2010	1.49	\$4	n/a	\$4
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 estimated cost to submit the DMR for the monitoring period ending April 30, 2009. Date required is the date the report was due and the final date is the estimated date of compliance. Cost to update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished is captured in Violation No. 1.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$50

TOTAL \$4

Screening Date 5-Apr-2010

Docket No. 2010-0532-MLM-E

PCW

Respondent Ledezma Ready-Mix, LLC

Policy Revision 2 (September 2002)

Case ID No. 39447

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103949699

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES General Permit No. TXG110909 Part III Permit Requirements F.2(b)

Violation Description

Failed to document a description of all potential pollutant sources in the Storm Water Pollution Prevention Plan ("SWP3"). Specifically, additives, trash, air control devices, and waste concrete were not identified in the SWP3 as potential pollutant sources.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

67 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$132

This violation Final Assessed Penalty (adjusted for limits) \$132

Economic Benefit Worksheet

Respondent: Ledezma Ready-Mix, LLC
Case ID No.: 39447
Reg. Ent. Reference No.: RN103949699
Media: Water Quality
Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				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)	\$500	28-Jan-2010	20-May-2010	0.31	\$8	n/a	\$8

Notes for DELAYED costs

The estimated cost to update the SWP3 potential pollutant sources to include all potential pollutant sources. Date required is the date of the investigation and the final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$8

Screening Date 5-Apr-2010

Docket No. 2010-0532-MLM-E

PCW

Respondent Ledezma Ready-Mix, LLC

Policy Revision 2 (September 2002)

Case ID No. 39447

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103949699

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES General Permit No. TXG110909 Part III Permit Requirements F.2(c)(4)

Violation Description Failed to conduct inspections at the minimum required frequency of at least once per month. Specifically, the investigator documented that the inspections for the months of November and December 2009 were not conducted.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 2

67 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,000

Two single events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

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

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$234

Violation Final Penalty Total \$1,320

This violation Final Assessed Penalty (adjusted for limits) \$1,320

Economic Benefit Worksheet

Respondent: Ledezma Ready-Mix, LLC
Case ID No.: 39447
Reg. Ent. Reference No.: RN103949699
Media: Water Quality
Violation No.: 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				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	\$500	30-Nov-2009	15-Nov-2010	0.96	\$24	n/a	\$24
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 estimated cost to update the Facility's operational guidance and conduct employee training to ensure that inspections are conducted at the required frequency of at least once per month. Date required is the date the November 2009 inspection was due and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	\$200	30-Nov-2009	31-Dec-2009	1.00	\$10	\$200	\$210

Notes for AVOIDED costs

The estimated avoided cost to conduct the inspections for the months of November and December 2009 (\$100 per month). Date required is the date the November 2009 inspection was due and the final date is the date the December 2009 inspection was due.

Approx. Cost of Compliance

\$700

TOTAL

\$234

Screening Date 5-Apr-2010

Docket No. 2010-0532-MLM-E

PCW

Respondent Ledezma Ready-Mix, LLC

Policy Revision 2 (September 2002)

Case ID No. 39447

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103949699

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 335.4

Violation Description

Failed to prevent the unauthorized discharge of industrial solid waste. Specifically, soil samples of stained soil were taken at two locations around a concrete truck at the Facility. The soil samples had elevated levels of total petroleum hydrocarbons, with levels of 20,000 milligrams per kilograms ("mg/kg") and 33,900 mg/kg.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

67 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

One quarterly event is recommended from the investigation date, January 28, 2010, to the date of screening, April 5, 2010.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

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

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$40

Violation Final Penalty Total \$1,320

This violation Final Assessed Penalty (adjusted for limits) \$1,320

Economic Benefit Worksheet

Respondent: Ledezma Ready-Mix, LLC
Case ID No.: 39447
Reg. Ent. Reference No.: RN103949699
Media: Water Quality
Violation No.: 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

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	\$1,000	28-Jan-2010	15-Nov-2010	0.80	\$40	n/a	\$40
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to remove and properly dispose of the discharged waste and the contaminated soil. Date required is the investigation date and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$40

Compliance History Report

Customer/Respondent/Owner-Operator:	CN603443011 Ledezma Ready-Mix, LLC	Classification: AVERAGE	Rating: 33.83
Regulated Entity:	RN103949699 LEDEZMA READY MIX	Classification: AVERAGE	Site Rating: 27.6
ID Number(s):	WASTE WATER GENERAL PERMIT	PERMIT	TXG110909
	AIR NEW SOURCE PERMITS	REGISTRATION	77006
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	MAA002B
	AIR NEW SOURCE PERMITS	AFS NUM	4830700014
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	MAA002B
Location:	905 E 2ND ST, BRADY, TX, 76825		
TCEQ Region:	REGION 08 - SAN ANGELO		
Date Compliance History Prepared:	March 30, 2010		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	March 30, 2005 to March 30, 2010		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Samuel Short	Phone:	(512) 239-5363

Site Compliance History Components

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? Yes
3. If Yes, who is the current owner/operator?

OWNOPR	Ledezma & Sons Concrete
OWNOPR	LEDEZMA READY MIX LLC
OWNOPR	Abel Ledezma DBA Ledezma Ready Mix
4. If Yes, who was/were the prior owner(s)/operator(s) ? Ledezma & Sons Concrete

OPR	
-----	--
5. When did the change(s) in owner or operator occur? 10/04/2005

OPR	Ledezma & Sons Concrete
-----	-------------------------
6. Rating Date: 9/1/2009 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 07/09/2009	ADMINORDER 2009-0295-WQ-E
Classification: Major	
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)	
40 CFR Chapter 122, SubChapter D, PT 122, SubPT B 122.26(c)	
Description: Failure to obtain an authorization to discharge process wastewater and/or storm water from a ready-mix concrete facility when a permit is required.	
- B. Any criminal convictions of the state of Texas and the federal government.

N/A
- C. Chronic excessive emissions events.

N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	07/18/2007	(567401)
2	02/06/2009	(722132)
3	11/13/2009	(778245)
4	03/18/2010	(790460)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	07/18/2007 (567401)
Self Report? NO	Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121

30 TAC Chapter 281, SubChapter A 281.25

Description: Failure to obtain an authorization to discharge process wastewater and/or storm water from a ready-mix concrete facility when a permit is required.

Date 11/13/2009 (778245) CN603443011

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 205, SubChapter A 205.2(a)(5)(A)
Permit Part IV, (7)(f) PERMIT

Description: Failure to complete and submit discharge monitoring reports (DMRs) whether or not a discharge occurs.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 205, SubChapter A 205.2(a)(5)(A)
Permit Part III, F(2)(b) PERMIT

Description: Failure to document a description of all potential pollutant sources.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 205, SubChapter A 205.2(a)(5)(A)
Permit Part III F(2)(c)(2) PERMIT

Description: Failure to perform routine inspections of management controls including but not limited to catch basin, berms and dikes.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 205, SubChapter A 205.2(a)(5)(A)
Permit Part III F(2)(c)(4) PERMIT

Description: Failure to conduct inspections at the minimum required frequency of at least once per month or more frequently as identified in the Storm Water Pollution Prevention Plan (SWP3).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 205, SubChapter A 205.2(a)(5)(A)
Permit Part III F(2)(c)(6) PERMIT

Description: Failure to maintain records.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.4(1)

Description: Failure to properly manage industrial solid waste in such a manner so as to prevent the discharge or imminent threat of discharge of industrial solid waste into or adjacent to the waters in the state.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 205, SubChapter A 205.2(a)(5)(A)
Permit Part III, F(1)(b) PERMIT

Description: Failure to sign the storm water pollution prevention plan (SWP3).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 205, SubChapter A 205.2(a)(5)(A)
Permit Part III F(2)(b)(1)(i-vi) PERMIT

Description: Failure to include all required information on the site map.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 205, SubChapter A 205.2(a)(5)(A)
Permit Part III F(2)(c)(3) PERMIT

Description: Failure to adequately address spill prevention and response procedures.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 205, SubChapter A 205.2(a)(5)(A)
Permit Part III F(2)(c)(5) PERMIT

Description: Failure to identify the frequency of employee training in the Storm Water Pollution Prevention Plan (SWP3).

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
LEDEZMA READY-MIX, LLC
RN103949699

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2010-0532-MLM-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Ledezma Ready-Mix, LLC ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a ready-mix concrete facility at 905 East 2nd Street in Brady, McCulloch County, Texas (the "Facility").
2. The Facility involves or involved the management of industrial solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
4. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
5. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 23, 2010.
6. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

7. An administrative penalty in the amount of Five Thousand Five Hundred Forty-Four Dollars (\$5,544) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Four Hundred Thirty-Six Dollars (\$1,436) of the administrative penalty and One Thousand One Hundred Eight Dollars (\$1,108) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Three Thousand Dollars (\$3,000) of the administrative penalty shall be payable in 3 monthly payments of One Thousand Dollars (\$1,000) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's 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, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

8. 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.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility;
 - a. On May, 20, 2010, submitted documentation showing that a description of all potential pollutant sources was in the Storm Water Pollution Prevention Plan ("SWP3"); and
 - b. On May, 24, 2010, submitted the discharge monitoring reports ("DMRs") for the monitoring periods of February 28, 2009, March 31, 2009, and May 30, 2009 through January 31, 2010.
10. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
11. 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 Agreed Order.
12. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
13. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to timely submit DMRs for the monitoring periods of February 28, 2009, March 31, 2009, and May 31, 2009 through January 31, 2010, and failed to submit the DMR for the monitoring period ending April 30, 2009, by the 20th day of the following month, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG110909 Part IV Standard Permit Conditions 7(f), as documented during an investigation conducted on January 28, 2010.
2. Failed to document a description of all potential pollutant sources in the SWP3, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES General Permit No. TXG110909 Part III Permit Requirements F.2(b), as documented during an investigation conducted on January 28, 2010. Specifically, additives, trash, air control devices, and waste concrete were not identified in the SWP3 as potential pollutant sources.
3. Failed to conduct inspections at the minimum required frequency of at least once per month, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES General Permit No. TXG110909, Part III Permit Requirements F.2(c)(4), as documented during an investigation conducted on January 28, 2010. Specifically, the investigator documented that the inspections for the months of November and December 2009 were not conducted.
4. Failed to prevent the unauthorized discharge of industrial solid waste, in violation of 30 TEX. ADMIN. CODE § 335.4, as documented during an investigation conducted on January 28, 2010. Specifically, soil samples of stained soil were taken at two locations around a concrete truck at the Facility. The soil samples had elevated levels of total petroleum hydrocarbons, with levels of 20,000 milligrams per kilograms ("mg/kg") and 33,900 mg/kg.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 7 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed 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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Ledezma Ready-Mix, LLC, Docket No. 2010-0532-MLM-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:

a. Within 30 days after the effective date of this Agreed Order:

- i. Remove all discharged industrial solid waste at the Facility and properly dispose of the wastes and contaminated soil at an authorized facility;
- ii. Submit the DMR for monitoring period ending April 30, 2009 to:

Compliance Monitoring Section
Enforcement Division, MC 224
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- iii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly DMRs, and that inspections are conducted at the required frequency of at least once per month, in accordance with TPDES General Permit No. TXG110909, Part III Permit Requirements F.2.(c)(4), and Part IV Standard Permit Conditions 7(f); and

b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i through 2.a.iii. The certification shall be notarized by a State of Texas Notary Public and 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:

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

with a copy to:

Water Section, Manager
San Angelo Regional Office
Texas Commission on Environmental Quality
622 South Oakes, Suite K
San Angelo, Texas 76903-7013

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed 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.
6. This Agreed 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 Agreed 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 Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Szollosi

For the Executive Director

8/25/2010

Date

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

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

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

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

Abel Ledezma

Signature

7-1-10

Date

Abel Ledezma

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

President

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.