

**Executive Summary – Enforcement Matter – Case No. 42792**  
**PAISANO REDI-MIX, INC. DBA GENCO REDI MIX**  
**RN105064521**  
**Docket No. 2011-1942-IWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

IWD

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

GENCO REDI MIX, 1816 East Hicks Field Road, Fort Worth, Tarrant County

**Type of Operation:**

Ready-mix concrete plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** March 23, 2012

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$30,003

**Amount Deferred for Expedited Settlement:** \$6,000

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$693

**Total Due to General Revenue:** \$23,310

Payment Plan: 35 payments of \$666 each

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Average

Site/RN - Average

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

**Executive Summary – Enforcement Matter – Case No. 42792**  
**PAISANO REDI-MIX, INC. DBA GENCO REDI MIX**  
**RN105064521**  
**Docket No. 2011-1942-IWD-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** August 25, 2011 and October 18, 2011

**Date(s) of NOE(s):** October 5, 2011

***Violation Information***

1. Failed to comply with permitted effluent limitations for total suspended solids and manganese [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG110904, Part III. Permit Requirements, Section A].
2. Failed to timely submit complete results at the intervals specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.4, and TPDES General Permit No. TXG110904, Part IV. Standard Permit Conditions No. 7(f)].
3. Failed to analyze monthly samples at the minimum frequency specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(A), 319.4 and 319.5(b), and TPDES General Permit No. TXG110904, Part III. Permit Requirements, Section A, and Part IV. Standard Permit Conditions Nos. 1 and 7(a)].
4. Failed to sample and analyze annual samples for each parameter at the minimum frequency specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(A), 319.4 and 319.5(b), and TPDES General Permit No. TXG110904, Part III. Permit Requirements, Section D(1)(b) and Part IV. Standard Permit Conditions Nos. 1 and 7(a)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has taken the following corrective measures:

- a. By April 30, 2011, resumed monthly sampling and analyses at Outfall Nos. 002 and 003;
- b. By May 31, 2011, resumed monthly sampling and analyses at Outfall No. 001;
- c. By October 12, 2011, submitted the DMRs for oil and grease daily maximum at Outfall Nos. 002 and 003 for the monitoring period ending April 30, 2011, and at Outfall No. 001 for the monitoring period ending May 31, 2011;
- d. By October 12, 2011, submitted the DMRs for pH maximum at Outfall Nos. 002 and 003 for the monitoring period ending April 30, 2011, and at Outfall Nos. 001, 002 and 003 for the monitoring period ending May 31, 2011, and June 30, 2011;

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- e. By October 14, 2011, submitted the DMRs for flow at Outfall Nos. 001, 002 and 003 for the monitoring periods ending October 31, 2010, November 30, 2010, December 31, 2010, and January 31, 2011; and
- f. By October 17, 2011, submitted the DMRs for total suspended solids, pH minimum and maximum, and flow at Outfall No. 002 for the monitoring period ending March 31, 2011.

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days, update the Facility's operational guidance and conduct employee training to ensure that all permitted parameters are collected and analyzed at the minimum required frequencies, and reporting and composite sampling procedures are properly accomplished. These procedures include the timely submittal of complete, signed and certified monthly and annual analytical results and reports;
- b. Within 45 days, submit written certification of compliance with Ordering Provision a.;
- c. Within 90 days, submit written certification of compliance with the permitted effluent limitations of TPDES General Permit No. TXG110904, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Jill Russell, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-4564; Debra Barber, Enforcement Division, MC 219, (512) 239-0412  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Joel R. Hernandez, President, PAISANO REDI-MIX, INC., 1816 East Hicks Field Road, Fort Worth, Texas 76179  
**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	11-Oct-2011	<b>Screening</b>	18-Oct-2011	<b>EPA Due</b>	
	<b>PCW</b>	20-Oct-2011				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	PAISANO REDI-MIX, INC. DBA GENCO REDI MIX		
<b>Reg. Ent. Ref. No.</b>	RN105064521		
<b>Facility/Site Region</b>	4-Dallas/Fort Worth	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	42792	<b>No. of Violations</b>	4
<b>Docket No.</b>	2011-1942-IWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Jill Russell
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$22,100**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** **30.0%** Enhancement **Subtotals 2, 3, & 7** **\$6,630**

Notes: Enhancement for six months of self-reported effluent violations.

**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: \$1,984  
Approx. Cost of Compliance: \$11,955  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$28,730**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **4.4%** **Adjustment** **\$1,273**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost associated with Violation Nos. 3 and 4.

**Final Penalty Amount** **\$30,003**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$30,003**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$6,000**

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

Notes: Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$24,003**

Screening Date 18-Oct-2011

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PCW

Respondent PAISANO REDI-MIX, INC. DBA GENCO REDI MIX

Policy Revision 2 (September 2002)

Case ID No. 42792

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105064521

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	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> )	6	30%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements 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%
<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)** 30%

#### >> 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 for six months of self-reported effluent violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 30%

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PCW

Respondent PAISANO REDI-MIX, INC. DBA GENCO REDI MIX

Policy Revision 2 (September 2002)

Case ID No. 42792

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105064521

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG110904, Part III. Permit Requirements, Section A

Violation Description

Failed to comply with permitted effluent limitations at Outfall Nos. 001 and 002, as documented during record reviews conducted on August 25, 2011, and October 18, 2011, and shown in the attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	10%
Potential				

>> 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 protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 4 Number of violation days 150

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

Violation Base Penalty \$4,000

Four quarterly events are recommended (two quarterly events for each outfall).

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 \$4,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$678

Violation Final Penalty Total \$5,430

This violation Final Assessed Penalty (adjusted for limits) \$5,430

## Economic Benefit Worksheet

**Respondent** PAISANO REDI-MIX, INC. DBA GENCO REDI MIX  
**Case ID No.** 42792  
**Req. Ent. Reference No.** RN105064521  
**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
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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)	\$10,000	28-Feb-2011	7-Jul-2012	1.36	\$678	n/a	\$678

**Notes for DELAYED costs**

Estimated cost to determine the cause of noncompliance and take necessary corrective actions to maintain compliance with permitted effluent limits. Date required is the first month of noncompliance. The final date is the expected 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

\$10,000

**TOTAL**

\$678

Screening Date 18-Oct-2011

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PCW

Respondent PAISANO REDI-MIX, INC. DBA GENCO REDI MIX

Policy Revision 2 (September 2002)

Case ID No. 42792

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105064521

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.4, and TPDES General Permit No. TXG110904, Part IV. Standard Permit Conditions No. 7(f)

Violation Description

Failed to timely submit complete results at the intervals specified in the permit, as documented in record reviews conducted on August 25, 2011, and October 18, 2011. Specifically, the Respondent failed to include the data on the Discharge Monitoring Reports ("DMRs") as shown in the attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
			X	1%

Matrix Notes

More than 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 21 Number of violation days 245

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

Violation Base Penalty \$2,100

Twenty-one single events are recommended: six events per Outfall 001, eight events per Outfall 002, and seven events per Outfall 003.

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 \$2,100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$33

Violation Final Penalty Total \$2,851

This violation Final Assessed Penalty (adjusted for limits) \$2,851

## Economic Benefit Worksheet

**Respondent** PAISANO REDI-MIX, INC. DBA GENCO REDI MIX  
**Case ID No.** 42792  
**Req. Ent. Reference No.** RN105064521  
**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				0.00	\$0	n/a	\$0
Training/Sampling	\$250	25-Aug-2011	7-May-2012	0.70	\$9	n/a	\$9
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$525	20-Nov-2010	17-Oct-2011	0.91	\$24	n/a	\$24

#### Notes for DELAYED costs

The estimated cost of timely submitting complete monthly DMRs (\$25 per report) and for updating operational guidance and training of personnel so that reporting and monitoring activities required by the permit are followed. Date Required is the date the first complete monthly DMR was due, and Final Date is the date of compliance. Training Date Required is the date of the initial record review, and Final Date is the expected 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

\$775

**TOTAL**

\$33

Screening Date 18-Oct-2011

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PCW

Respondent PAISANO REDI-MIX, INC. DBA GENCO REDI MIX

Policy Revision 2 (September 2002)

Case ID No. 42792

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105064521

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (11)(A), 319.4 and 319.5(b), and TPDES General Permit No. TXG110904 Part III. Permit Requirements, Section A, and Part IV. Standard Permit Conditions Nos. 1 and 7(a)

Violation Description Failed to analyze monthly samples at the minimum frequency specified in the permit, as documented in a record review conducted on October 18, 2011. Specifically, the Respondent failed to analyze monthly samples for total suspended solids, pH minimum and maximum, and oil and grease at Outfall Nos. 001, 002, and 003 for the monitoring periods ending 10/31/2010, 11/30/2010, 12/31/2010, and 01/31/2011, and oil and grease at Outfall 002 for the monitoring period ending 03/31/2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (10%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0%).

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

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 13 400 Number of violation days

Table for event frequency: daily, weekly, monthly (marked with x), quarterly, semiannual, annual, single event.

Violation Base Penalty \$13,000

Thirteen monthly events are recommended, four events per Outfall Nos. 001 and 003 and five events per Outfall 002.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked with x), Notes.

Violation Subtotal \$13,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$994

Violation Final Penalty Total \$17,649

This violation Final Assessed Penalty (adjusted for limits) \$17,649

## Economic Benefit Worksheet

**Respondent** PAISANO REDI-MIX, INC. DBA GENCO REDI MIX  
**Case ID No.** 42792  
**Reg. Ent. Reference No.** RN105064521  
**Media** Water Quality  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

### Delayed Costs

Item Description	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)			0.00	\$0	n/a	\$0

Notes for DELAYED costs

See economic benefit for Violation No. 2.

### Avoided Costs

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

Item Description	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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]	\$925	1-Nov-2010 31-May-2011	1.50	\$69	\$925	\$994
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to conduct oil and grease, pH minimum/maximum, and TSS sampling and analytical testing at Outfall Nos. 001, 002, and 003 during monitoring periods ending 10/31/2010, 11/30/2010, 12/31/2010, and 1/31/2011; and to conduct timely sampling and analytical testing of oil and grease at Outfall 002 during the monitoring period ending 03/31/2011. (\$25 per parameter per month per Outfall) Date required is the beginning date of monthly sampling and analyses violations. Final date is the date the Respondent resumed sampling at all outfalls.

Approx. Cost of Compliance

\$925

**TOTAL**

\$994

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PCW

Respondent PAISANO REDI-MIX, INC. DBA GENCO REDI MIX

Policy Revision 2 (September 2002)

Case ID No. 42792

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105064521

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (11)(A), 319.4 and 319.5(b), and TPDES General Permit No. TXG110904, Part III. Permit Requirements, Section D(1)(b) and Part IV. Standard Permit Conditions Nos. 1 and 7(a)

Violation Description

Failed to analyze annual samples for each parameter at the minimum frequency specified in the permit, as documented in a record review conducted on October 18, 2011. Specifically, the Respondent failed to analyze annual samples for the acute static nonrenewal 24-hour toxicity tests, using the Daphnia pulex and Pimephales promelas, at Outfall Nos. 001, 002, and 003 for the monitoring period ending February 28, 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		X		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

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

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3 365 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$3,000

Three single events are recommended, one per Outfall Nos. 001, 002 and 003.

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 \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$279

Violation Final Penalty Total \$4,073

This violation Final Assessed Penalty (adjusted for limits) \$4,073

## Economic Benefit Worksheet

**Respondent** PAISANO REDI-MIX, INC. DBA GENCO REDI MIX  
**Case ID No.** 42792  
**Req. Ent. Reference No.** RN105064521  
**Media** Water Quality  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

**Delayed Costs**

Item Description	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)			0.00	\$0	n/a	\$0

Notes for DELAYED costs

See economic benefit for Violation No. 2.

**Avoided Costs**

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

Item Description	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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]	\$255	2-Mar-2010	1-Mar-2011	1.92	\$24	\$255
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to conduct annual sampling and analytical testing for the acute static nonrenewal 24-hour toxicity tests, using the Daphnia pulex and Pimephales promelas, at Outfall Nos. 001, 002 and 003 (\$85 per test per year per outfall). Avoided cost dates are based on sampling during the year of 2010.

Approx. Cost of Compliance

\$255

**TOTAL**

\$279

<b>Effluent Violations Table</b>		
PAISANO REDI-MIX, INC. DBA GENCO REDI MIX		
RN105064521; Docket 2011-1942-IWD-E		
TPDES General Permit No. TXG110904		
<b>Outfall No. 001</b>		
<b>Month/Year</b>	Total Suspended Solids DMAX Concentration	Manganese, Total DAV Concentration
	<b>Limit =65 mg/L</b>	<b>Limit =1 mg/L</b>
February 2011	c	1.6
June 2011	87	c

<b>Outfall No. 002</b>	
<b>Month/Year</b>	Total Suspended Solids DMAX Concentration
	<b>Limit =65 mg/L</b>
March 2011	71
April 2011	219
May 2011	89
June 2011	94

DMAX = Daily Maximum, DAV = Daily Average  
 mg/L = milligrams per liter  
 c = compliant

<b>Reporting Violations Table</b>			
PAISANO REDI-MIX, INC. DBA GENCO REDI MIX			
RN105064521; Docket 2011-1942-IWD-E			
TPDES General Permit No. TXG110904			
<b>Outfall No. 001</b>			
<b>Monitoring Period Ending Month/Year</b>	<b>Flow Data</b>	<b>pH Maximum Data</b>	<b>Oil and Grease Data</b>
October 2010	m	c	c
November 2010	m	c	c
December 2010	m	c	c
January 2011	m	c	c
May 2011	c	m	m
June 2011	c	m	c

<b>Outfall No. 002</b>					
<b>Monitoring Period Ending Month/Year</b>	<b>Flow Data</b>	<b>Total Suspended Solids Data</b>	<b>pH Maximum Data</b>	<b>pH Minimum Data</b>	<b>Oil and Grease Data</b>
October 2010	m	c	c	c	c
November 2010	m	c	c	c	c
December 2010	m	c	c	c	c
January 2011	m	c	c	c	c
March 2011	m	m	m	m	c
April 2011	c	c	m	c	m
May 2011	c	c	m	c	c
June 2011	c	c	m	c	c

<b>Outfall No. 003</b>			
<b>Monitoring Period Ending Month/Year</b>	<b>Flow Data</b>	<b>pH Maximum Data</b>	<b>Oil and Grease Data</b>
October 2010	m	c	c
November 2010	m	c	c
December 2010	m	c	c
January 2011	m	c	c
April 2011	c	m	m
May 2011	c	m	c
June 2011	c	m	c

m = missing, c = compliant

# Compliance History

Customer/Respondent/Owner-Operator: CN603434234 PAISANO REDI-MIX, INC. Classification: AVERAGE Rating: 0.75  
Regulated Entity: RN105064521 GENCO REDI MIX Classification: AVERAGE Site Rating: 0.75  
ID Number(s): WASTE WATER GENERAL PERMIT PERMIT TXG110904  
Location: 1816 East Hicks Field Road, Fort Worth, Tarrant County, Texas  
TCEQ Region: REGION 04 - DFW METROPLEX  
Date Compliance History Prepared: October 11, 2011  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: October 11, 2006 to October 11, 2011  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Jill Russell Phone: (512) 239 - 4564

## 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? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government. N/A
- 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. (CEEDS Inv. Track. No.)

1	04/16/2010	(839374)
2	05/19/2010	(839375)
3	06/18/2010	(848540)
4	07/20/2010	(863098)
5	08/19/2010	(869633)
6	09/17/2010	(876556)
7	10/20/2010	(884114)
8	03/17/2011	(918933)
9	04/20/2011	(932196)
10	05/19/2011	(940641)
11	06/15/2011	(948035)
12	10/05/2011	(950879)

13 07/20/2011 (955274)

14 08/01/2011 (961906)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 03/31/2010 (839374) CN603434234  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2011 (918933) CN603434234  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2011 CN603434234  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2011 (940641) CN603434234  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2011 (948035) CN603434234  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2011 (955274) CN603434234  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

- 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
- K. Sites Outside of Texas N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
PAISANO REDI-MIX, INC.  
DBA GENCO REDI MIX  
RN105064521**

**§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2011-1942-IWD-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 PAISANO REDI-MIX, INC. DBA GENCO REDI MIX ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a ready-mix concrete plant at 1816 East Hicks Field Road in Fort Worth, Tarrant County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. 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.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 10, 2011.
5. 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.

6. An administrative penalty in the amount of Thirty Thousand Three Dollars (\$30,003) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Hundred Ninety-Three Dollars (\$693) of the administrative penalty and Six Thousand Dollars (\$6,000) 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 Twenty-Three Thousand Three Hundred Ten Dollars (\$23,310) of the administrative penalty shall be payable in 35 monthly payments of Six Hundred Sixty-Six Dollars (\$666) 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.

7. 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.
8. 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.
9. The Executive Director recognizes that the Respondent has taken the following corrective measures:
  - a. By April 30, 2011, resumed monthly sampling and analyses at Outfall Nos. 002 and 003;
  - b. By May 31, 2011, resumed monthly sampling and analyses at Outfall No. 001;
  - c. By October 12, 2011, submitted the discharge monitoring reports ("DMRs") for oil and grease daily maximum at Outfall Nos. 002 and 003 for the monitoring period ending April 30, 2011, and at Outfall No. 001 for the monitoring period ending May 31, 2011;
  - d. By October 12, 2011, submitted the DMRs for pH maximum at Outfall Nos. 002 and 003 for the monitoring period ending April 30, 2011, and at Outfall Nos. 001, 002 and 003 for the monitoring period ending May 31, 2011, and June 30, 2011;
  - e. By October 14, 2011, submitted the DMRs for flow at Outfall Nos. 001, 002 and 003 for the monitoring periods ending October 31, 2010, November 30, 2010, December 31, 2010, and January 31, 2011; and

- f. By October 17, 2011, submitted the DMRs for total suspended solids, pH minimum and maximum, and flow at Outfall No. 002 for the monitoring period ending March 31, 2011.
- 10. 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.
- 11. 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.
- 12. 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 comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG110904, Part III. Permit Requirements, Section A, as documented during record reviews conducted on August 25, 2011, and October 18, 2011, and shown in the following table:

<b>Effluent Violations Table</b>		
<b>Outfall No. 001</b>		
<b>Month/Year</b>	Total Suspended Solids DMAX Concentration	Manganese, Total DAV Concentration
	<b>Limit =65 mg/L</b>	<b>Limit =1 mg/L</b>
February 2011	c	1.6
June 2011	87	c

<b>Outfall No. 002</b>	
<b>Month/Year</b>	Total Suspended Solids DMAX Concentration
	<b>Limit =65 mg/L</b>
March 2011	71
April 2011	219
May 2011	89
June 2011	94

DMAX = Daily Maximum, DAV = Daily Average  
mg/L = milligrams per liter  
c = compliant

2. Failed to timely submit complete results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.4, and TPDES General Permit No. TXG110904, Part IV. Standard Permit Conditions No. 7(f), as documented in record reviews conducted on August 25, 2011, and October 18, 2011. Specifically, the Respondent failed to include the following data on the DMRs for:
  - a. Flow at Outfall Nos. 001, 002 and 003 for the monitoring periods ending October 31, 2010, November 30, 2010, December 31, 2010, and January 31, 2011, and at Outfall No. 002 for the monitoring period ending March 31, 2011;
  - b. Total suspended solids at Outfall No. 002 for the monitoring period ending March 31, 2011;
  - c. pH minimum and maximum (standard units) at Outfall No. 002 for the monitoring period ending March 31, 2011, and pH maximum at Outfall Nos. 002 and 003 for the monitoring periods ending April 30, 2011, and at Outfall Nos. 001, 002 and 003 for the monitoring periods ending May 31, 2011, and June 30, 2011; and
  - d. Oil and grease at Outfall Nos. 002 and 003 for the monitoring periods ending April 30, 2011, and at Outfall No. 001 for the monitoring period ending May 31, 2011.
3. Failed to analyze monthly samples at the minimum frequency specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(A), 319.4 and 319.5(b), and TPDES General Permit No. TXG110904, Part III. Permit Requirements, Section A, and Part IV. Standard Permit Conditions Nos. 1 and 7(a), as documented during a record review conducted on October 18, 2011. Specifically, the Respondent failed to sample and analyze for total suspended solids, pH minimum and maximum, and oil and grease at Outfall Nos. 001, 002, and 003 for the monitoring periods ending October 31, 2010, November 30, 2010, December 31, 2010, and January 31, 2011, and failed to analyze for oil and grease at Outfall No. 002 for the monitoring period ending March 31, 2011.
4. Failed to sample and analyze annual samples for each parameter at the minimum frequency specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(A), 319.4 and 319.5(b), and TPDES General Permit No. TXG110904, Part III. Permit Requirements, Section D(1)(b) and Part IV. Standard Permit Conditions Nos. 1 and 7(a), as documented during a record review conducted on October 18, 2011. Specifically, the Respondent failed to collect a composite sample and analyze for the acute static nonrenewal 24-hour toxicity tests using the *Daphnia pulex* and *Pimephales promelas* at Outfall Nos. 001, 002, and 003 for the annual monitoring period ending February 28, 2011.

### 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 6 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: PAISANO REDI-MIX, INC. DBA GENCO REDI MIX, Docket No. 2011-1942-IWD-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, update the Facility's operational guidance and conduct employee training to ensure that all permitted parameters are collected and analyzed at the minimum required frequencies, and reporting and composite sampling procedures are properly accomplished. These procedures include the timely submittal of complete, signed and certified monthly and annual analytical results and reports in accordance with TPDES General Permit No. TXG110904, Part III. Permit Requirements and Part IV. Standard Permit Conditions;
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a, in accordance with Ordering Provision No. 2.d below;
  - c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES General Permit No. TXG110904, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations, in accordance with Ordering Provision No. 2.d below; and

- d. 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  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951

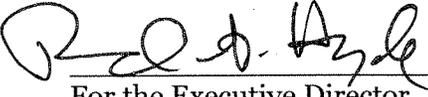
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any 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 separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed 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 Agreed 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. 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

  
\_\_\_\_\_  
For the Executive Director

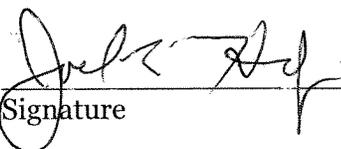
4/20/12  
\_\_\_\_\_  
Date

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.

  
\_\_\_\_\_  
Signature

1/30/12  
\_\_\_\_\_  
Date

Joel R. Hernandez  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
PAISANO REDI-MIX, INC. DBA GENCO REDI MIX

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.