Executive Summary – Enforcement Matter – Case No. 57254 Texas Concrete Sand and Gravel, Inc. RN106352065 Docket No. 2019-0211-WQ-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

WQ

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Plum Grove Plant, 7530 Farm-to-Market Road 1010, Cleveland, Liberty County

Type of Operation:

Aggregate production operation ("APO")

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this

matter but does not wish to speak at Agenda.

Texas Register Publication Date: February 19, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$19,063

Total Paid to General Revenue: \$1,595 Total Due to General Revenue: \$17,468

Payment Plan: 11 payments of \$1,588 each

Compliance History Classifications:

Person/CN - Satisfactory Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A **Applicable Penalty Policy:** April 2014

Investigation Information

Complaint Date(s): September 20, 2019 and October 6, 2019

Complaint Information: Alleged there were unauthorized discharges from the

facility.

Date(s) of Investigation: January 9, 2019, May 15, 2019 through May 23, 2019, and

September 24, 2019

Date(s) of NOE(s): January 16, 2019, June 10, 2019, and October 7, 2019

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Violation Information

- 1. Failed to investigate the cause for each benchmark value exceedance within 90 days following the sampling event [30 Tex. Admin. Code § 305.125(1) and expired Texas Pollutant Discharge Elimination System ("TPDES") Multi-Sector General Permit ("MSGP") No. TXR05AX64, Part IV, Section A, Item 3].
- 2. Failed to maintain complete and accurate records [30 Tex. ADMIN. CODE § 305.125(1) and (11)(C) and terminated TPDES MSGP No. TXR05DH81, Part III, Section E, Item 5].
- 3. Failed to comply with permitted numeric effluent [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and terminated TPDES MSGP No. TXR05DH81, Part V, Section J, Item 6(a)(1)].
- 4. Failed to collect representative samples from the designated outfalls [30 TEX. ADMIN. CODE § 305.125(1) and terminated TPDES MSGP No. TXR05DH81, Part III, Section D, Item 2(b)(1)].
- 5. Failed to prevent the discharge of process wastewater into or adjacent to any water in the state [30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and terminated TPDES MSGP No. TXR05DH81, Part V, Section J, No. 5(b)].
- 6. Failed to prevent the discharge of process wastewater into or adjacent to any water in the state [30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and terminated TPDES MSGP No. TXR05DH81, Part V, Section J, No. 5(b)].
- 7. Failed to meet the final stabilization requirements before terminating coverage under TPDES MSGP No. TXR050000 [30 TEX. ADMIN. CODE § 305.125(1) and terminated TPDES MSGP No. TXR05DH81, Part V, Section J, No. 11(a)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By May 28, 2019, ceased discharging process was tewater and repaired the berm surrounding Pond 2.
- b. By September 26, 2019, ceased discharging process wastewater and repaired the berm surrounding Pond 1.
- c. By January 13, 2020:

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- i. Updated the Facility's operational guidance and conducted employee training to ensure that:
- (1) Sampling records are properly recorded including the records of monitoring such as the date, time, and location of sample measurement; identity of the individual who collected the sample or made the measurement or observation; and records of analysis such as the date, time, and place the analysis was conducted, the identity of the individual or laboratory that performed the analysis, the technique or method of analysis, the results, and the quality assurance and control records.
- (2) Investigations are properly conducted and recorded in the stormwater pollution prevent plan within 90 days of a benchmark value exceedance occurring.
- ii. Returned to compliance with the permitted numeric effluent limitations.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, achieve final stabilization at the Facility or return the area to an alternative post-mining use; and
- b. Within 45 days, submit a written certification of compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Caleb Olson, Enforcement Division, Enforcement Team 1, MC R-04, (817) 588-5856; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Somaiah Kurre, President, Texas Concrete Sand and Gravel, Inc., 1017

Wakefield Drive, Houston, Texas 77018

Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014 Assigned 22-Jan-2019 **PCW** 6-Mar-2020 Screening 4-Feb-2019 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent Texas Concrete Sand and Gravel, Inc. (PCW No. 1) Reg. Ent. Ref. No. RN106352065 Facility/Site Region 12-Houston Major/Minor Source Minor CASE INFORMATION Enf./Case ID No. 57254 No. of Violations 4 Docket No. 2019-0211-WQ-E Order Type Findings Media Program(s) Water Quality Government/Non-Profit No Enf. Coordinator Caleb Olson Multi-Media EC's Team Enforcement Team 1 Admin. Penalty \$ Limit Minimum \$0 Maximum \$25,000 Penalty Calculation Section **TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 \$4,125 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History 25.0%** Adjustment Subtotals 2, 3, & 7 \$1,031 Enhancement for one NOV with same/similar violations and one agreed Notes order containing a denial of liability. Subtotal 4 Culpability No \$0 **0.0%** Enhancement The Respondent does not meet the culpability criteria. Notes **Good Faith Effort to Comply Total Adjustments** Subtotal 5 -\$337 **Economic Benefit** Subtotal 6 \$0 0.0% Enhancement* *Capped at the Total EB \$ Amount Total FB Amounts \$968 Estimated Cost of Compliance **SUM OF SUBTOTALS 1-7** Final Subtotal \$4,819 OTHER FACTORS AS JUSTICE MAY REQUIRE 16.7% Adjustment \$806 Reduces or enhances the Final Subtotal by the indicated percentage. Enhancement to capture the avoided cost of compliance associated with Notes Violation Nos. 1 and 4. Final Penalty Amount \$5,625 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$5,625 **DEFERRAL** 0.0% Adjustment \$0 Reduction Reduces the Final Assessed Penalty by the indicated percentage. No deferral is recommended for Findings Orders. Notes

\$5,625

PAYABLE PENALTY

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Docket No. 2019-0211-WQ-E

Respondent Texas Concrete Sand and Gravel, Inc. (PCW No. 1)

Case ID No. 57254

Reg. Ent. Reference No. RN106352065

Media Water Quality

Enf. Coordinator Caleb Olson

Compliance History Worksheet								
>> Co	mpliance Histo Component	ory <i>Site</i> Enhancement (Subtotal 2) Number of	Number	Adjust.				
	NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%				
		Other written NOVs	0	0%				
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%				
	Orders	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	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%				
	Decrees	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%				
	Addits	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%				
		Environmental management systems in place for one year or more	No	0%				
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%				
	0 0.1.0.	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 Pero	centage (Sub	total 2)	25%			
>> Re	peat Violator	(Subtotal 3)						
	No	Adjustment Pero	centage (Sub	total 3)	0%			
>> Co	mpliance Hist	ory Person Classification (Subtotal 7)						
	Satisfactory	Performer Adjustment Per	centage (Sub	total 7)	0%			
>> Co	mpliance Hist	ory Summary						
	Compliance History Notes	Enhancement for one NOV with same/similar violations and one agreed order cont of liability.	caining a denial					
. \ Ei∞-	ol Compliance	Total Compliance History Adjustment Percentage (S	Subtotals 2,	3, & 7)	25%			
>> Fina	ai Compliance	History Adjustment		_				

Final Adjustment Percentage *capped at 100%

		ening Date		Docket No. 2019-0211-WQ-E	PCW
		•		e Sand and Gravel, Inc. (PCW No. 1)	Policy Revision 4 (April 2014)
		ase ID No.			PCW Revision March 26, 2014
Reg. I	Ent. Ref		RN106352065		
			Water Quality		
		coordinator	Caleb Olson	1	
	Viola	ition Number	1		
		Rule Cite(s)		Imin. Code § 305.125(1) and expired Texas Pollutant Discharge	
			Eliminatio	n System ("TPDES") Multi-Sector General Permit ("MSGP") No. TXR05AX64, Part IV, Section A, Item 3	
				TAROJANO4, Fait IV, Section A, Item 5	
			Failed to inve	estigate the cause for each benchmark value exceedance within	90
				ing the sampling event. Specifically, the benchmark value of 50	
	Violatio	n Description	milligrams	per liter ("mg/L") for Total Suspended Solids was exceeded on	
				016 with a value of 375 mg/L and on August 29, 2016 with a va	ilue
				of 179 mg/L and no investigations were documented.	
				Base Pena	alty \$25,000
					-
>> Env	ironme	ntal, Proper	ty and Hum	an Health Matrix	
		Release	Maior	Harm Mederate Miner	
OR		Actual	Major	Moderate Minor	
O.K		Potential		X Percent 3.0%	
		. 0.0		X 1 0 0 0 1 1 3,0 70	
>>Prog	gramma	tic Matrix			
		Falsification	Major	Moderate Minor	
				Percent 0.0%	
	Matrix			ment will or could be exposed to insignificant amounts of polluta	
	Notes	that would no	ot exceed levels	that are protective of human health or environmental receptors	as
				a result of the violation.	
				Adjustment \$24,	250
				Aujustillelit \$24,	230
					\$750
Violatio	n Event	-			
		ıs			
			/iolation Events	2 740 Number of violation days	
			iolation Events	2 Number of violation days	
				2 740 Number of violation days	
			iolation Events daily weekly	2 740 Number of violation days	
			daily	2 740 Number of violation days	
			daily weekly	2 740 Number of violation days Violation Base Pena	alty \$1,500
			daily weekly monthly quarterly semiannual		alty \$1,500
			daily weekly monthly quarterly semiannual annual		alty \$1,500
			daily weekly monthly quarterly semiannual		alty \$1,500
			daily weekly monthly quarterly semiannual annual		alty \$1,500
			daily weekly monthly quarterly semiannual annual single event	Violation Base Pena	\$1,500
			daily weekly monthly quarterly semiannual annual single event		\$1,500
		Number of V	daily weekly monthly quarterly semiannual annual single event	Violation Base Pena	
Good Fa	aith Effo		daily weekly monthly quarterly semiannual annual single event Two single e	Violation Base Pena X vents are recommended, one for each exceedance. 10.0%	
Good Fa	aith Effo	Number of V	daily weekly monthly quarterly semiannual annual single event Two single e	Violation Base Pena X vents are recommended, one for each exceedance.	
Good Fa	aith Effo	Number of V	daily weekly monthly quarterly semiannual annual single event Two single e	Violation Base Pena X vents are recommended, one for each exceedance. 10.0% Reduct Sefore NOE/NOV NOE/NOV to EDPRP/Settlement Offer	
Good Fa	aith Effo	Number of V	daily weekly monthly quarterly semiannual annual single event Two single e ply Extraordinary Ordinary	Violation Base Pena X vents are recommended, one for each exceedance. 10.0%	
Good Fa	aith Effo	Number of V	daily weekly monthly quarterly semiannual annual single event Two single e	Violation Base Pena X vents are recommended, one for each exceedance. 10.0% Reduct Sefore NOE/NOV NOE/NOV to EDPRP/Settlement Offer	
Good Fa	aith Effo	Number of V	daily weekly monthly quarterly semiannual annual single event Two single e Extraordinary Ordinary N/A	Violation Base Pena X vents are recommended, one for each exceedance. 10.0% Reduct Sefore NOE/NOV NOE/NOV to EDPRP/Settlement Offer	
Good Fa	aith Effo	Number of V	daily weekly monthly quarterly semiannual annual single event Two single e ply Extraordinary Ordinary	Violation Base Pena X vents are recommended, one for each exceedance. 10.0% Reduct Sefore NOE/NOV NOE/NOV to EDPRP/Settlement Offer X	
Good Fa	aith Effo	Number of V	daily weekly monthly quarterly semiannual annual single event Two single e Extraordinary Ordinary N/A	Violation Base Pena X vents are recommended, one for each exceedance. 10.0% Reduct Sefore NOE/NOV NOE/NOV to EDPRP/Settlement Offer X The Respondent achieved compliance by	
Good Fa	aith Effo	Number of V	daily weekly monthly quarterly semiannual annual single event Two single e Extraordinary Ordinary N/A	Violation Base Penal X Violation Base Penal X Violation Base Penal X Reduct Sefore NOE/NOV NOE/NOV to EDPRP/Settlement Offer X The Respondent achieved compliance by January 13, 2020.	tion \$150
		Number of V	daily weekly monthly quarterly semiannual annual single event Two single e ply E Extraordinary Ordinary N/A Notes	Violation Base Penal X Vents are recommended, one for each exceedance. 10.0% Reduct Sefore NOE/NOV NOE/NOV to EDPRP/Settlement Offer X The Respondent achieved compliance by January 13, 2020. Violation Subto	tion \$150
		Number of V	daily weekly monthly quarterly semiannual annual single event Two single e Extraordinary Ordinary N/A	Violation Base Penal X Vents are recommended, one for each exceedance. 10.0% Reduct Sefore NOE/NOV NOE/NOV to EDPRP/Settlement Offer X The Respondent achieved compliance by January 13, 2020. Violation Subto	tion \$150
		Number of V	daily weekly monthly quarterly semiannual annual single event Two single e ply Extraordinary Ordinary N/A Notes	Violation Base Penal X Vents are recommended, one for each exceedance. 10.0% Reduct Sefore NOE/NOV NOE/NOV to EDPRP/Settlement Offer X The Respondent achieved compliance by January 13, 2020. Violation Subton	tion \$150 otal \$1,350
		Number of V	daily weekly monthly quarterly semiannual annual single event Two single e ply E Extraordinary Ordinary N/A Notes	Violation Base Penal X Vents are recommended, one for each exceedance. 10.0% Reduct Sefore NOE/NOV NOE/NOV to EDPRP/Settlement Offer X The Respondent achieved compliance by January 13, 2020. Violation Subto	tion \$150 otal \$1,350
		Number of V	daily weekly monthly quarterly semiannual annual single event Two single e ply Extraordinary Ordinary N/A Notes	Violation Base Penal X Vents are recommended, one for each exceedance. 10.0% Reduct Sefore NOE/NOV NOE/NOV to EDPRP/Settlement Offer X The Respondent achieved compliance by January 13, 2020. Violation Subton	tion \$150 ptal \$1,350 cut to the state of

	E	conomic	Benefit	Wo	rksheet		
_		e Sand and Grave	el, Inc. (PCW No	o. 1)			
Case ID No.							
Reg. Ent. Reference No.							
Media Violation No.	Water Quality 1					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Item Desemption							
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	\$250	22 May 2016	13-Jan-2020	0.00	\$0	n/a	\$0
Training/Sampling Remediation/Disposal	\$230	22-May-2016	13-Jan-2020	3.65 0.00	\$46 \$0	n/a n/a	\$46 \$0
Permit Costs				0.00	\$0 \$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Avoided Costs	•	occurred on	February 22, 20	016. Fi	nal date is the dat	d recorded for the ender of compliance. r one-time avoided	
Avoided Costs Disposal	ANNOA	LIZE avoided C	osts before er	0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$100	22-May-2016	4-Feb-2019	2.71	\$14	\$100	\$114
Other (as needed)	\$100	27-Nov-2016	4-Feb-2019	2.19	\$11	\$100	\$111
Notes for AVOIDED costs	and record t	he results of the	investigation in nd recorded for	the SW the exc	/P3. Date required	of a benchmark valu d is the last date an rred on February 22	investigation
	record the re	sults of the inves	tigation in the sorded for the ex	SWP3. cceedar	Date required is the	penchmark value ex ne last date an inves on August 29, 2016.	stigation could
Approx. Cost of Compliance		\$450			TOTAL		\$271

		ening Date		Docket No. 2019-0211-WQ-E	PCW
		•		Sand and Gravel, Inc. (PCW No. 1)	Policy Revision 4 (April 2014)
Dag		Case ID No.			PCW Revision March 26, 2014
Reg.	Ent. Kei		RN106352065		
	Enf (media Coordinator	Water Quality		
		ation Number			
	VIOI	Rule Cite(s)			
		ituie eite(s)	30 Tex. Admir	 Code § 305.125(1) and (11)(C) and terminated TPDES MSG TXR05DH81, Part III, Section E, Item 5 	P No.
				TAROSDITOT, Fait III, Section E, Item 5	
			Failed to maint	ain complete and accurate records. Specifically, the Responde	ent was
				ecording sampling records, including the records of monitoring	
				ne, and location of sample or measurement; identity of the ind	
	Violatio	n Description		he sample or made the measurement or observation; and reco	
				as the date, time, and place the analysis was conducted, the id	
				il or laboratory that performed the analysis, the technique or n sis, the results, and the quality assurance and control records.	
			or ariary.	sis, the results, and the quality assurance and control records.	
				Base Po	enalty \$25,000
>> Fn\	vironme	ntal Pronei	rty and Hum	an Health Matrix	
// Liiv		ilitai, i Topei	cy and main	Harm	
_		Release		Moderate Minor	
OR		Actual			
		Potential		Percent 0.0%	
>> Dro	aramma	tic Matrix			
>>P10	gi allillia	Falsification	Major	Moderate Minor	
		- u.oeac.e		X Percent 2.5%	
	Matrice				
	Matrix Notes		Between 30°	% and 70% of the rule requirements were not met.	
	Notes				
				A -15	24 275
				Adjustment \$	24,375
				Adjustment \$	\$625
	_			Adjustment \$	
Violatio	on Event	ts		Adjustment \$	
Violatio	on Even		/iolation Events		\$625
Violatio	on Even		/iolation Events	Adjustment \$	\$625
Violatio	on Even		/iolation Events		\$625
Violatio	on Even				\$625
Violatio	on Even		daily weekly monthly	1 Number of violation day	\$625 /s
Violatio	on Even		daily weekly monthly quarterly		\$625 /s
Violatio	on Even		daily weekly monthly quarterly semiannual	1 Number of violation day	\$625 /s
Violatio	on Even		daily weekly monthly quarterly semiannual annual	1 Number of violation day Violation Base Po	\$625 /s
Violatio	on Even		daily weekly monthly quarterly semiannual	1 Number of violation day	\$625 /s
Violatio	on Even		daily weekly monthly quarterly semiannual annual	1 Number of violation day Violation Base Po	\$625 /s
Violatio	on Even		daily weekly monthly quarterly semiannual annual	1 Number of violation day Violation Base Po	\$625 /s
Violatio	on Even		daily weekly monthly quarterly semiannual annual	1 Number of violation day Violation Base Po	\$625 /s
		Number of \	daily weekly monthly quarterly semiannual annual single event	1 Number of violation day Violation Base Pour X One single event is recommended.	\$625 /s enalty \$625
			daily weekly monthly quarterly semiannual annual single event	1 Number of violation day Violation Base Pour Number of violation day Violation Base Pour Number of violation day Violation Base Pour Number of violation day Number of violation day Violation Base Pour Number of violation day Number of violation day Violation Base Pour Number of violation day Number of violation Base Pour Number of violation day Number of violation Base Pour Number of violation day Number of violation Base Pour Numb	\$625 /s
		Number of \	daily weekly monthly quarterly semiannual annual single event	1 Number of violation day Violation Base Pour X One single event is recommended.	\$625 /s enalty \$625
		Number of \	daily weekly monthly quarterly semiannual annual single event	1 Number of violation day Violation Base Pour Number of violation day Violation Base Pour Number of violation day Violation Base Pour Number of violation day Number of violation day Violation Base Pour Number of violation day Number of violation day Violation Base Pour Number of violation day Number of violation Base Pour Number of violation day Number of violation Base Pour Number of violation day Number of violation Base Pour Numb	\$625 /s enalty \$625
		Number of \	daily weekly monthly quarterly semiannual annual single event	1 Number of violation day Violation Base Poly X One single event is recommended. 10.0% efore NOE/NOV NOE/NOV to EDPRP/Settlement Offer	\$625 /s enalty \$625
		Number of \	daily weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary	1	\$625 /s enalty \$625
		Number of \	daily weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary	1	\$625 /s enalty \$625
		Number of \	daily weekly monthly quarterly semiannual annual single event	1	\$625 /s enalty \$625
		Number of \	daily weekly monthly quarterly semiannual annual single event	1 Number of violation day Violation Base Poly X One single event is recommended. 10.0% efore NOE/NOV NOE/NOV to EDPRP/Settlement Offer X The Respondent achieved compliance by January 13, 2020.	\$625 //s enalty \$625 duction \$62
		Number of \	daily weekly monthly quarterly semiannual annual single event	1	\$625 //s enalty \$625 duction \$62
Good F	aith Effo	Number of \	daily weekly monthly quarterly semiannual annual single event	1	\$625 enalty \$625 duction \$62
Good F	aith Effo	Number of \	daily weekly monthly quarterly semiannual annual single event	1	\$625 enalty \$625 duction \$62 abtotal \$563
Good F	aith Effo	Number of \	daily weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary N/A Notes	1	\$625 \$625 \$625

		conomic	Donofit	Wa.	rkshoot					
	-				KSHEEL					
• • • • • • • • • • • • • • • • • • •		e Sand and Grave	el, Inc. (PCW No). 1)						
Case ID No.										
Reg. Ent. Reference No.	RN106352065									
Media	Water Quality					Percent Interest	Years of			
Violation No.	2					Percent Interest	Depreciation			
						5.0	15			
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount			
Item Description		•								
rem bescription										
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	8-Feb-2018	13-Jan-2020	1.93	\$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	employee monitoring su collected the time, and plac analysis, the Date requir	e training to ensured to the date, to sample or made to the analysis was technique or meted is the date the	re that sampling ime, and locatio the measurement as conducted, the shod of analysis, a violation was in	y record n of sar nt or ob e ident the res	Is are properly recomple or measurem oservation; and recoity of the individual sults, and the qual documented. Fina	perational guidance orded including the ent; identity of the cords of analysis such or laboratory that ity assurance and cold date is the date of	records of individual who ch as the date, performed the ontrol records. compliance.			
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering	item (except for	one-time avoide	d costs)			
Disposal				0.00	\$0	\$0	\$0			
Personnel				0.00	\$0	\$0	\$0			
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0			
Supplies/Equipment				0.00	\$0	\$0	\$0			
Financial Assurance				0.00	\$0	\$0	\$0			
ONE-TIME avoided costs				0.00	\$0	\$0	\$0			
Other (as needed)				0.00	\$0	\$0	\$0			
Notes for AVOIDED costs										
Approx. Cost of Compliance		\$250			TOTAL		\$24			

	Screening Date	4-Feb-2019	Docket No. 2019-0211-WQ-E	PCW
			e Sand and Gravel, Inc. (PCW No. 1)	Policy Revision 4 (April 2014)
	Case ID No			PCW Revision March 26, 2014
Reg.	Ent. Reference No	RN106352065		
	Media	Water Quality		
	Enf. Coordinato		1	
	Violation Numbe			
	Rule Cite(s	Tex. Wate	r Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and	
		terminate	d TPDES MSGP No. TXR05DH81, Part V, Section J, Item 6(a)(1)	
		e		
	Violation Description		mply with permitted numeric effluent limitations. Specifically, on 8, the pH at Outfall No. 1 was 5.75 standard units ("s.u."), failin	
	Violation Descriptio		minimum permitted numeric effluent limitation for pH of 6.0 s.u.	
			Base Per	nalty \$25,000
			Dase Pei	\$25,000
>> Env	rironmental, Prope	rty and Hum	an Health Matrix	
		-	Harm	
	Releas		Moderate Minor	
OR	Actua		X	
	Potentia	11	Percent 5.0%	
>> Droc	grammatic Matrix			
>>Prog	Falsification	Major	Moderate Minor	
	Talsilleació	rajor	Percent 0.0%	
			1 Greent 0.070	
	Human hea	Ith or the enviro	nment has been exposed to insignificant amounts of pollutants t	hat
	Matrix do not over		e protective of human health or environmental receptors as a re	
	Notes do not exce		of the violation.	
			Adjustment \$23	3,750
				14.050
				\$1,250
Violatio	on Events			
Violatic	on Events			
	Number of	Violation Events	1 Number of violation days	
			<u> </u>	
		daily		
		weekly		
		monthly		
		quarterly	X Violation Base Per	nalty \$1,250
		semiannual		
		annual single event		
		single event		
	One	auarterly event i	s recommended for the sample collected on March 16, 2018.	
		,	,	
Good F	aith Efforts to Con		10.0% Redu	ction \$125
			Sefore NOE/NOV NOE/NOV to EDPRP/Settlement Offer	
		Extraordinary		
		Ordinary	X	
		N/A		
			The Respondent achieved compliance by	
		Notes	January 13, 2020.	
			Violation Sub	total \$1,125
			visiation Sub-	Ψ1,123
Econon	nic Benefit (EB) fo	r this violation	on Statutory Limit Tes	st
	Fstima	ted EB Amount	\$92 Violation Final Penalty 1	Total \$1,678
	2507110			
			This violation Final Assessed Penalty (adjusted for lin	nits) \$1,678

	E	conomic	Benefit	Wo	rksheet				
Respondent Texas Concrete Sand and Gravel, Inc. (PCW No. 1)									
Case ID No.			., (,					
Reg. Ent. Reference No.									
							Years of		
	Water Quality					Percent Interest	Depreciation		
Violation No.	3								
						5.0	15		
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount		
Item Description									
•									
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	¢1.000	16 Mar 2010	12 1 2020	0.00	\$0	n/a	\$0 *03		
Other (as needed)	\$1,000	16-Mar-2018	13-Jan-2020	1.83	\$92	n/a	\$92		
	Estimate	d cost to determin	ne the cause of	noncon	npliance at the Fac	cility and make any	necessary		
Notes for DELAYED costs	adjustments t	o return to comp	liance with the	permitt	ed numeric effluen	t limitations. Date	required is the		
	ď	ate the violation v	was initially dod	umente	ed. Final date is th	e date of compliand	ce.		
Avoided Costs	A NINIII	ALTZE avoided o	osta hoforo or	toring	itam (avaant far	one-time avoide	d costs)		
Avoided Costs Disposal	ANNO	KLIZE avoided C	osts perore er	0.00	\$0	\$0	\$0		
Personnel				0.00	\$0 \$0	\$0 \$0	\$0 \$0		
Inspection/Reporting/Sampling				0.00	\$0	\$0 \$0	\$0 \$0		
Supplies/Equipment				0.00	\$0	\$0 \$0	\$0		
Financial Assurance				0.00	\$0	\$0	\$0		
ONE-TIME avoided costs				0.00	\$0	\$0	\$0		
Other (as needed)				0.00	\$0	\$0	\$0		
•		1							
Notes for AVOIDED costs									
l									
		+4 600					+00		
Approx. Cost of Compliance		\$1,000			TOTAL		\$92		

	Scre	ening Date	4-Feb-2019	Docket No. 2019-0211-WQ-E	PCW
		-		Sand and Gravel, Inc. (PCW No. 1)	olicy Revision 4 (April 2014)
_		ase ID No.		PC	CW Revision March 26, 2014
Reg.	Ent. Ref		RN106352065		
	F£ 6		Water Quality		
		Coordinator		1	
	VIOI	ation Number Rule Cite(s)			
		Rule Cite(s)	30 Tex. Admir	 Code § 305.125(1) and terminated TPDES MSGP No. TXR05DH8: Part III, Section D, Item 2(b)(1) 	L,
	Violation Description th			ct representative samples from the designated outfalls. Specificallent was collecting effluent samples at the northern pit pump of the retention pond rather than at the designated Outfall Nos. 1 and 2.	
				Base Penal	\$25,000
>> Env	vironme	ntal, Propei	ty and Hum	an Health Matrix	
		<u> </u>	-	Harm	
OR		Release		Moderate Minor	
UK		Actual Potential		X Percent 3.0%	
		i otentiai		A Percent 3.070	
>>Prog	gramma	tic Matrix			
		Falsification	Major	Moderate Minor	
				Percent 0.0%	
	Matrix Notes			ment will or could be exposed to insignificant amounts of pollutant that are protective of human health or environmental receptors as	
				result of the violation.	
				A division and	FO
				Adjustment \$24,2	50
					\$750
Violatio	on Event	ts			
		Number of \	/iolation Events	1 26 Number of violation days	
		Number of V	noiation Events	20 Number of violation days	
			daily		
			weekly		
			monthly		
			quarterly	X Violation Base Penal	 ty
			semiannual		
			annual		
			single event		
		One quart	erly event is re	commended from the investigation date (January 9, 2019) to the screening date (February 4, 2019).	
				Screening date (February 4, 2019).	
					+0
Good F	aith Effo	orts to Com		0.0% Reduction Reduction	on \$0
			Extraordinary	NOL/NOV NOL/NOV to EDFNF/Settlement offer	
			Ordinary		
			N/A	X	
			14,71		
			Notes	The Respondent does not meet the good faith criteria for this violation.	
			<u>l</u>		
				Violation Subto	tal \$750
Econon	nic Bene	efit (EB) for	this violation	on Statutory Limit Test	
		Estimate	ed EB Amount	\$581 Violation Final Penalty To	\$1,094
				This violation Final Assessed Penalty (adjusted for limit	(s) \$1,094

	E	conomic	Benefit	Wo	rksheet		
		e Sand and Grave	el, Inc. (PCW No). 1)			
Case ID No.							
Reg. Ent. Reference No. Media Violation No.	Water Quality					Percent Interest	Years of Depreciation
Violation No.	4					F 0	_
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs		11			1		1.5
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction Land				0.00	\$0 \$0	\$0 n/a	\$0 \$0
Record Keeping System				0.00	\$0	n/a	\$0 \$0
Training/Sampling				0.00	\$0	n/a	\$0 \$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
Avoided Costs	ANNUA	ALIZE avoided co	osts before en	tering	item (except for	one-time avoide	d 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	+207	20.1 2010	1.0.1.2010	0.00	\$0	\$0	\$0
ONE-TIME avoided costs Other (as needed)	\$307 \$250	30-Jun-2019 16-Mar-2018	1-Oct-2019	0.25 1.55	\$4 \$20	\$307 \$250	\$311 \$270
, ,	One-time av	voided cost is the e missed samples I for the first bi-ar	estimated avoid + \$7 accrued innual monitorin	ded cos nterest) g perio	t to collect and and). Date required is	alyze effluent samp s the last date a san ate is the date auth	es (\$100 per aple could have
Notes for AVOIDED costs	employee tra	ining to ensure th Date required is t	at representation he date the vio	/e samp lation w	ples are collected f	erational guidance a from the designated ented. Final date is vas terminated.	Outfall Nos. 1
Approx. Cost of Compliance		\$557			TOTAL		\$581

Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ_								
DATES	7100191104		_				1	
	PCW	21-Jan-2020	Screening 24	4-Jul-2019	EPA Due			
DECDO	NIDENT /FACTI T	TV INCODMATE	ON					
RESPU	NDENT/FACILI			Trans (DCM)	N- 2)			
Por	g. Ent. Ref. No.	Texas Concrete	Sand and Graver,	, Inc. (PCW	NO. 2)			
	ty/Site Region				Major/M	linor Source	Minor	
raciii	ty/ Site Region	12 110030011			Plajoi / Pl	illor Source	Pillioi	
CASE I	NFORMATION							
	f./Case ID No.	57254			No. c	of Violations	1	
		2019-0211-WQ-	E			Order Type		
Med	dia Program(s)	Water Quality			Government	/Non-Profit	No	
	Multi-Media				Enf.	Coordinator		
	•	_				EC's Team	Enforcement Te	am 1
Adı	min. Penalty \$ I	Limit Minimum	\$0 Ma	iximum	\$25,000			
				<u> </u>				
			•		tion Section	on	_	
TOTA	L BASE PENA	LTY (Sum of	violation bas	se penalt	ies)		Subtotal 1	\$7,500
ADILL	CTMENTS ()	/	STAL 1					
ADJU	STMENTS (+	otained by multiplying	JIAL I the Total Base Pena	alty (Subtotal 1) by the indicated n	ercentage.		
	Compliance Hi		, the rotal base rena	25.0%	Adjustment		tals 2, 3, & 7	\$1,875
		_]	. , ,
	Notes	Enhancement for	or one NOV with			one agreed		
			order containii	ng a denial d	of liability.			
							_	
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
	Notes	The Re	spondent does n	ot meet the	culpability crite	ria.		
							J	
	Good Faith Eff	ort to Comply T	otal Adjustmen	nte			Subtotal 5	-\$1,875
	Good Falen En	ore to compry r	otal Aujustineii	113				Ψ1/07 5
	Economic Bend				Enhancement*		Subtotal 6	\$0
	Ectimated	Total EB Amounts Cost of Compliance	\$23 \$11,000	*Capped	d at the Total EB \$ /	Amount		
	Estimatea	cost of compliance	\$11,000					
SUM (OF SUBTOTA	IS 1-7				F	inal Subtotal	\$7,500
50	0. 000.017.					•		41/000
OTHE	R FACTORS A	AS JUSTICE M	IAY REOUTRE	= [0.0%		Adjustment	
Reduces	or enhances the Fina	Subtotal by the indi	cated percentage.		0.075		, la ja sem em e	
	Notes							
							_	
						Final Per	nalty Amount	\$7,500
STAT	UTORY LIMIT	T ADJUSTMEN	NT			Final Asse	ssed Penalty	\$7,500
DEFE					0.0%	Reduction	Adjustment	\$0
Reduces	the Final Assessed Pe	enalty by the indicate	d percentage.				7	
	NI - Ł -	N.I.	dofound in	m on d = d ==	Findings Out			
	Notes	INO (deferral is recomi	menaea for	rmaings Oraers			
							J	
DAVA	BLE PENALT	v					Г	\$7,500
PATA	DLE PENALI							3/,500

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Docket No. 2019-0211-WQ-E

Respondent Texas Concrete Sand and Gravel, Inc. (PCW No. 2)

Case ID No. 57254

Reg. Ent. Reference No. RN106352065

Media Water Quality

Enf. Coordinator Caleb Olson

Compliance History Worksheet

Compliance Hist	Compliance History Worksheet ory Site Enhancement (Subtotal 2)		
Component	Number of	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
Orders	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	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
and Consent Decrees	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%
Addits	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%
	Environmental management systems in place for one year or more	No	0%
Other	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 Perc	entage (Sub	ototal 2)
Repeat Violator	(Subtotal 3)		
No	Adjustment Perc	entage (Sub	total 3)
Compliance Hist	ory Person Classification (Subtotal 7)		
		ontogo /CL	total 7
Satisfactory		entaye (SUD	itutai /)
Compliance Hist	ory Summary		7
Compliance History Notes	Enhancement for one NOV with same/similar violations and one agreed order conta of liability.	aining a denial	
	Total Compliance History Adjustment Percentage (S	ubtotals 2.	- <i>3,</i> & <i>7</i>)
	History Adjustment		-,,

Final Adjustment Percentage *capped at 100%

		ening Date					19-0211-WQ-E		PCW
			Texas Concrete	Sand and Gr	avel, Inc. (PC	W No. 2)		Policy	Revision 4 (April 2014)
Dan		ase ID No.						PCW R	evision March 26, 2014
кед.	Ent. Kei		RN106352065						
	Enf (media Coordinator	Water Quality						
		tion Number							
	*101			i CI C	205 125(1) T	\M-t C	1- C 2C 121(-)(1)		
		Rule Cite(s)					de § 26.121(a)(1) tem Multi-Sector		
			terrimateu re		XR05DH81, P			General	
					7.1.1002.1.01, 1	21 6 17 2 2 2 2 1 2 1	3, 1101 3(3)		
			Failed to prev	ent the disc	harge of proce	ss wastewate	r into or adjacent	to any	
							, water from the I		
	Violatio	n Description				•	y process pond ('		
		•					ting in the discha r into the East Fo		
			арргохипасету	40 million ge	San Jacin		i iiito tile Last i o	ik of the	
							Pag	e Penalty	\$25,000
							Dasi	e Penaity [\$23,000
>> Env	/ironme	ntal, Proper	ty and Huma		Matrix				
		Release	Major	Harm Moderate	Minor				
OR		Actual	X	rioderate	1 111101				
		Potential				Pei	rcent 30.0%		
>>Pro	gramma	tic Matrix	Madan	Madauska	NA!				
		Falsification	Major	Moderate	Minor	Por	rcent 0.0%		
						Pei	0.0%		
	Matrix				•	•	ich exceed levels		
	Notes	protec	tive of human he	ealth or envir	onmental rece	eptors as a res	sult of the violation	n.	
						Adjust	ment	\$17,500	
								Г	\$7,500
Violatio	on Event	ts							
		Number of \	/iolation Events	1	1 6	15 Nur	mber of violation	davs	
		Number of V	riolation Events	1	<u> </u>	13 1401	TIDEL OF VIOLATION	uuys	
			daily		1				
			weekly						
			monthly	Χ				-	
			quarterly				Violation Base	e Penalty	\$7,500
			semiannual						
			annual single event		-				
			Single event		4				
		One menthly	, avant is recomi	mandad from	the initial da	o the upouth	orized discharge o	occurred	
		One monthly			date of compli		_	ccurred	
							<u> </u>		
Good F			l	25.0%	1				\$1,875
	aith Effo	orts to Com	piy	25.0%				Reduction	4-70.0
	aith Effo	orts to Com	Ве	efore NOE/NOV	<u></u>	PRP/Settlement C		Reduction	Ψ1/0.0
	aith Effo	orts to Com			<u></u>	PRP/Settlement (Reduction	<i>427070</i>
	aith Effo	orts to Com	Be Extraordinary Ordinary		<u></u>	PRP/Settlement C		Reduction	+ 176.76
	aith Effo	orts to Com	Be Extraordinary	efore NOE/NOV	<u></u>	PRP/Settlement (Reduction	¥2 / 0.0
	aith Effo	orts to Com	Extraordinary Ordinary N/A	x	NOE/NOV to ED		Offer	Reduction	¥2 1070
	aith Effo	orts to Com	Extraordinary Ordinary N/A	x	NOE/NOV to ED			Reduction	42 1070
	aith Effo	orts to Com	Extraordinary Ordinary N/A	x	NOE/NOV to ED		Offer	Reduction	421070
	aith Effo	orts to Com	Extraordinary Ordinary N/A	x	NOE/NOV to ED		Offer		\$5,625
Econon			Extraordinary Ordinary N/A Notes	X The Respond	NOE/NOV to ED	compliance by	May 28, 2019. Violation	Subtotal [
Econon		efit (EB) for	Extraordinary Ordinary N/A Notes	X The Respond	NOE/NOV to ED	compliance by	Violation atutory Limit	Subtotal [\$5,625
Econon		efit (EB) for	Extraordinary Ordinary N/A Notes	X The Respond	NOE/NOV to ED	compliance by	May 28, 2019. Violation	Subtotal [

	E	conomic	Benefit	Wo	rksheet		
Respondent Case ID No. Reg. Ent. Reference No.	57254	e Sand and Grave	el, Inc. (PCW No	. 2)			
	Water Quality					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
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 Other (as needed)	\$11,000	13-May-2019	20 May 2010	0.00	\$0 \$23	n/a n/a	\$0 \$23
Notes for DELAYED costs	required	is the date the u	nauthorized dis	charge	occurred. Final da	e berm surrounding ate is the date of co	mpliance.
Avoided Costs	ANNUA	ALIZE avoided co	osts before en			one-time avoide	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0 #0	\$0 #0	\$0 #0
Supplies/Equipment Financial Assurance				0.00	\$0 \$0	\$0 \$0	\$0 \$0
ONE-TIME avoided costs				0.00	\$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0 \$0	\$0
Notes for AVOIDED costs		1		0.00	1 40	Ψ0	40
Approx. Cost of Compliance		\$11,000			TOTAL		\$23

Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ_								
DATES	Assigned		_				•	
	PCW	15-Jan-2020	Screening 31-0	ct-2019	EPA Due			
DECDO	NEENT /EACTLE	TV TNEODMATT	NA.					
RESPO		TY INFORMATIO		- (DCM)	VI- 2)			
Do	Respondent J. Ent. Ref. No.		and and Gravel, In	ic. (PCW	VO. 3)			
	ty/Site Region				Major/N	linor Source	Minor	
i aciii	ty/ Site Region	12-11005011			Major / N	illoi Source	MINIO	
CASE I	NFORMATION							
	f./Case ID No.	57254			No.	of Violations	2	
		2019-0211-WQ-E				Order Type	Findings	
Med	lia Program(s)	Water Quality			Government	t/Non-Profit	No	
	Multi-Media				Enf.	Coordinator		
		_		_		EC's Team	Enforcement 7	Feam 1
Adı	min. Penalty \$ I	_imit Minimum	\$0 Maxii	mum	\$25,000			
			Penalty Ca	alculat	tion Section	on		
TOTA	I RASE DENA	ITY (Sum of	violation base				Subtotal 1	\$5,000
IOIA	L DAGE FEINA	LII (Suili Oi	violation base	penait	ies <i>j</i>		Subtotal 1	45/000
ADJU	STMENTS (+	/-) TO SUBTO	TAL 1					
	Subtotals 2-7 are of	tained by multiplying	the Total Base Penalty		by the indicated p			
	Compliance Hi	story		25.0%	Adjustment	Subto	tals 2, 3, & 7	\$1,250
		Enhancement fo	r one NOV with sai	me/simila	r violations and	d one agreed		
	Notes		order containing			a one agreed		
			order containing	a acmar c	n nability.			
	Culpability	No		0.0%	Fabrassass		Subtotal 4	\$0
	Culpability	INO		0.0%	Enhancement]	50
	Notes	The Res	spondent does not	meet the	culpability crite	eria.		
		1			, , , , , , , , , , , , , , , , , , ,			
							_	
	Good Faith Eff	ort to Comply To	otal Adjustments				Subtotal 5	-\$312
	Economic Bene	efit		0.0%	Enhancement*		Subtotal 6	\$0
	Leononne Ben	Total EB Amounts	\$1,250		at the Total EB \$	Amount	Subtotal	Ψ.
	Estimated	Cost of Compliance	\$25,250					
SUM (OF SUBTOTA	LS 1-7				F	inal Subtotal	\$5,938
OTHE	R FACTORS A	AS JUSTICE M.	AY REQUIRE		0.0%		Adjustment	
Reduces	or ennances the Fina	Subtotal by the indica	ated percentage.				1	
	Notes							
	Notes							
						Final Per	l nalty Amount	\$5,938
						i iiiai i Ci	arty Amount	45/350
STATI	JTORY LIMIT	ADJUSTMEN	Т			Final Asse	ssed Penalty	\$5,938
	J. J. C. L.	712300111211				i mai Asse	ssea renaity	40/000
DEFE	RRAL				0.0%	Reduction	Adjustment	\$0
		enalty by the indicated	percentage.		0.0 70			, , , , , , , , , , , , , , , , , , ,
	Notes	No d	eferral is recomme	nded for	indings Orders	S.		
							-	
PAYA	BLE PENALT	1						\$5,938

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Docket No. 2019-0211-WQ-E

Respondent Texas Concrete Sand and Gravel, Inc. (PCW No. 3)

Case ID No. 57254

Reg. Ent. Reference No. RN106352065

Media Water Quality

Enf. Coordinator Caleb Olson

		Compliance History Worksheet				
>> Co	ompliance Histo Component	ory Site Enhancement (Subtotal 2) Number of	Number	Adjust.		
	NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%		
		Other written NOVs	0	0%		
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%		
	Orders	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	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%		
	Decrees	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%		
	Audits	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%		
		1				
		Environmental management systems in place for one year or more	No	0%		
	Other	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 Per	centage (Sub	total 2)	25%	
>> Re	epeat Violator	(Subtotal 3)				
	No	Adjustment Per	centage (Sub	total 3)	0%	
>> Co	ompliance Hist	ory Person Classification (Subtotal 7)				
	Satisfactory	Performer Adjustment Per	centage (Sub	total 7)	0%	
>> Co	ompliance Hist	ory Summary				
	Compliance History Notes	Enhancement for one NOV with same/similar violations and one agreed order conformal of liability.	taining a denial			
		Total Compliance History Adjustment Percentage (S	Subtotals 2,	3, & 7)	25%	
>> Final Compliance History Adjustment						
		Final Adjustment Percent	age *capped a	at 100%	25%	

		ening Date				et No. 2019-0211-WQ-E	-	PCW
		•	Texas Concrete	e Sand and Gr	avel, Inc. (PCV	V No. 3)	Policy	Revision 4 (April 2014)
_		ase ID No.					PCW R	Revision March 26, 2014
Reg.	Ent. Ref		RN106352065					
			Water Quality					
		coordinator		ਜ				
	Viola	ation Number	1					
		Rule Cite(s)	30 Tex. A	dmin. Code §	305.125(1), Te	x. Water Code § 26.121(a)	(1), and	
					-	ination System ("TPDES")		
			General	Permit ("MSG	iP") No. TXR05I	DH81, Part V, Section J, No	o. 5(b)	
			Failed to an		h			
						ss wastewater into or adjac m breaches occurred at the		
	Violatio	n Description				in the discharge of proces		
						d into the East Fork of the		
					River			
						В	ase Penalty	\$25,000
								1=0/000
>> En	vironme	ntal, Propei	rty and Hum	nan Health	Matrix			
			_	Harm				
OR		Release		Moderate	Minor			
UK		Actual			X	Dorsont F.O.	0/	
		Potential				Percent 5.0	%	
>>Pro	aramma	tic Matrix						
	gi aiiiiia	Falsification	Major	Moderate	Minor			
			· · · · · · ·			Percent 0.0	%	
		Human healt	h or the enviro	nment has bee	en exposed to i	nsignificant amounts of po	llutants that	
	Matrix				•	or environmental receptor		
	Notes			of	the violation.	•		
						Adjustment	\$23,750	
							-	
								41 250
							L	\$1,250
Violati	on Even	ts					L	\$1,250
Violati	on Even	ts					L	\$1,250
Violati	on Even		/iolation Events	1		Number of violati	on days	\$1,250
Violati	ion Even		/iolation Events	1		Number of violati	on days	\$1,250
Violati	on Even		/iolation Events	1		Number of violati	on days	\$1,250
Violati	on Even		daily weekly	1		Number of violati	on days	\$1,250
Violati	ion Even		daily weekly monthly				· _	
Violati	on Even		daily weekly monthly quarterly	1 X			on days ase Penalty	\$1,250 \$1,250
Violati	on Even		daily weekly monthly quarterly semiannual				· _	
Violati	on Even		daily weekly monthly quarterly semiannual annual				· _	
Violati	on Even		daily weekly monthly quarterly semiannual				· _	
Violati	on Even	Number of V	daily weekly monthly quarterly semiannual annual single event	X		Violation B	ase Penalty	
Violati	on Even	Number of V	daily weekly monthly quarterly semiannual annual single event	X X		Violation B tion date (September 24, 2	ase Penalty	
Violati	on Even	Number of V	daily weekly monthly quarterly semiannual annual single event	X X	n the investigat	Violation B tion date (September 24, 2	ase Penalty	
		Number of N	daily weekly monthly quarterly semiannual annual single event	X mmended from	nce (Septembe	Violation B tion date (September 24, 2	ase Penalty	\$1,250
		Number of V	daily weekly monthly quarterly semiannual annual single event y event is reconda	X mmended from the of compliance of compliance of compliance compl	nce (Septembe	Violation B tion date (September 24, 2 r 26, 2019).	ase Penalty	
		Number of N	daily weekly monthly quarterly semiannual annual single event y event is recor	x mmended fror ate of complia 25.0% Before NOE/NOV	nce (Septembe	Violation B tion date (September 24, 2	ase Penalty	\$1,250
		Number of N	daily weekly monthly quarterly semiannual annual single event y event is record da ply Extraordinary	X mmended from the of compliant of complian	nce (Septembe	Violation B tion date (September 24, 2 r 26, 2019).	ase Penalty	\$1,250
		Number of N	daily weekly monthly quarterly semiannual annual single event y event is record da ply Extraordinary Ordinary	x mmended from the of compliance of compliance of compliance to the compliance to th	nce (Septembe	Violation B tion date (September 24, 2 r 26, 2019).	ase Penalty	\$1,250
		Number of N	daily weekly monthly quarterly semiannual annual single event y event is record da ply Extraordinary	x mmended from the of compliance of compliance of compliance to the compliance to th	nce (Septembe	Violation B tion date (September 24, 2 r 26, 2019).	ase Penalty	\$1,250
		Number of N	daily weekly monthly quarterly semiannual annual single event y event is record da ply Extraordinary Ordinary N/A	X mmended from the of compliant of complian	NOE/NOV to EDPI	Violation B tion date (September 24, 2 r 26, 2019).	ase Penalty	\$1,250
		Number of N	daily weekly monthly quarterly semiannual annual single event y event is record da ply Extraordinary Ordinary	X mmended from the of compliant of complian	NOE/NOV to EDPI	Violation B tion date (September 24, 2 r 26, 2019).	ase Penalty	\$1,250
		Number of N	daily weekly monthly quarterly semiannual annual single event y event is record da ply Extraordinary Ordinary N/A	X mmended from the of compliant of complian	NOE/NOV to EDPI	Violation B tion date (September 24, 2 r 26, 2019). RP/Settlement Offer	ase Penalty	\$1,250
		Number of N	daily weekly monthly quarterly semiannual annual single event y event is record da ply Extraordinary Ordinary N/A	X mmended from the of compliant of complian	NOE/NOV to EDPI	Violation B tion date (September 24, 2 r 26, 2019). RP/Settlement Offer Dieved compliance by r 26, 2019.	2019) to the Reduction	\$1,250 \$312
		Number of N	daily weekly monthly quarterly semiannual annual single event y event is record da ply Extraordinary Ordinary N/A	X mmended from the of compliant of complian	NOE/NOV to EDPI	Violation B tion date (September 24, 2 r 26, 2019). RP/Settlement Offer Dieved compliance by r 26, 2019.	ase Penalty	\$1,250
Good F	Faith Effe	One quarterlorts to Com	daily weekly monthly quarterly semiannual annual single event y event is record da ply Extraordinary Ordinary N/A	X mmended from the of compliance of compliance NOE/NOV X The f	NOE/NOV to EDPI	Violation B tion date (September 24, 2 r 26, 2019). RP/Settlement Offer Dieved compliance by r 26, 2019.	Reduction on Subtotal	\$1,250 \$312
Good F	Faith Effe	One quarterlorts to Com	daily weekly monthly quarterly semiannual annual single event y event is record da ply Extraordinary Ordinary N/A Notes	x mmended fror ate of complia 25.0% Before NOE/NOV X The F	NOE/NOV to EDPI	Violation B tion date (September 24, 2 r 26, 2019). RP/Settlement Offer dieved compliance by r 26, 2019. Violati Statutory Lin	Reduction Ton Subtotal Total	\$1,250 \$312 \$938
Good F	Faith Effe	One quarterlorts to Com	daily weekly monthly quarterly semiannual annual single event y event is record da ply Extraordinary Ordinary N/A Notes	x mmended fror ate of complia 25.0% Before NOE/NOV X The F	NOE/NOV to EDPI	Violation B tion date (September 24, 2 r 26, 2019). RP/Settlement Offer sieved compliance by r 26, 2019. Violati	Reduction Ton Subtotal Total	\$1,250 \$312
Good F	Faith Effe	One quarterlorts to Com	daily weekly monthly quarterly semiannual annual single event y event is record da ply Extraordinary Ordinary N/A Notes	x mmended from the of compliant to the second to the seco	NOE/NOV to EDPI	Violation B tion date (September 24, 2 r 26, 2019). RP/Settlement Offer dieved compliance by r 26, 2019. Violati Statutory Lin	Reduction on Subtotal nit Test enalty Total	\$1,250 \$312 \$938

	E	conomic	Benefit	Wo	rksheet		
Respondent Case ID No. Reg. Ent. Reference No.	57254	e Sand and Grave	el, Inc. (PCW No). 3)			
	Water Quality					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Doloved Cooks							
Delayed Costs	<u> </u>	11		0.00	\$0	\$0	\$0
Equipment Buildings				0.00	\$0 \$0	\$0 \$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)	\$250	24-Sep-2019	26-Sep-2019	0.01	\$0	n/a	\$0
Notes for DELAYED costs	required	is the date the u	nauthorized dis	charge	occurred. Final da	ne berm surrounding te is the date of co	mpliance.
Avoided Costs	ANNUA	ALIZE avoided co	osts before en	tering		one-time avoide	d costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	<u> </u>	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$250			TOTAL		\$0

Dag	R C	ase ID No.	Texas Concrete 57254	Sand and G	Dock é ravel, Inc. (PCW N	et No. 2019-0211-WQ-E No. 3)		PCW devision 4 (April 2014) vision March 26, 2014
Reg.		Media	RN106352065 Water Quality					
		oordinator tion Number		l				
	Viola							
		Ruie Cite(s)	30 Tex. Admin	. Code § 305	5.125(1) and term Part V, Section J,	inated TPDES MSGP No. TXF No. 11(a)	R05DH81,	
	Violation	ı Description	under TPDES coverage unde flyover of the I	S MSGP No. The TPDES MS Facility condinere the dry	TXR050000. Spec GP No. TXR05DH8 ucted on October :	ements before terminating coments before terminating coming the Respondent termination of the Re	ninated during a soil were	
						Base	e Penalty	\$25,000
>> Env	/ironmer	ital, Proper	ty and Hum	an Health	Matrix			
		-	_	Harm				
0.5		Release	Major	Moderate	Minor			
OR		Actual				B		
		Potential	Х			Percent 15.0%		
>>D=00	aramme e	ic Matrix						
>>Prog	grammaı	tic Matrix Falsification	Major	Moderate	Minor			
	Ī	Taisiiicatioii	Major	Moderate	MINO	Percent 0.0%		
	<u> </u>					Percent 0.0%		
	Matrix Notes					to pollutants that would exceptors as a result of the vio	lation.	
						Adjustment	\$21,250	
							_	\$3,750
							L	\$5,750
Violatio	on Event	s						
			iolation Events	1		Number of violation	days	
			daily weekly monthly quarterly semiannual annual	X		Violation Base	e Penalty	\$3,750
			single event					
		•				e under TPDES MSGP No. TX g date (October 31, 2019).	R05DH81	
Good Fa	aith Effo	rts to Com	ply	0.0%			Reduction	\$0
				efore NOE/NOV	NOE/NOV to EDPRP/		_	·
			Extraordinary					
			Ordinary					
			N/A	Х				
			Notes	The Respond	dent does not mee this viola	et the good faith criteria for ation.		
						Violation	Subtotal	\$3,750
Econon	nic Bene	fit (EB) for	this violation	n		Statutory Limit	Test	
		Estimate	ed EB Amount		\$1,250	Violation Final Pena	alty Total	\$4,688
				This ::!-	•		_	
				inis vio	iauvii Final ASSE	essed Penalty (adjusted fo	JI IIITITS)	\$4,688

	E	conomic	Benefit	Wo	rksheet		
Respondent	Texas Concret	e Sand and Grave	el, Inc. (PCW No	. 3)			
Case ID No.							
Reg. Ent. Reference No.	RN106352065						
	Water Quality						Years of
Violation No.						Percent Interest	Depreciation
110141101111101						5.0	15
	Itom Cost	Data Baguirad	Final Date	Vrc	Interest Saved	Costs Saved	EB Amount
	Item Cost	Date Required	rinai Date	TIS	Interest Saveu	Costs Saved	EB Amount
Item Description							
Delayed Costs		1		0.00	1 +0	1 +0 1	+0
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Engineering/Construction				0.00	\$0 \$0	n/a	\$0 \$0
Land 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)	\$25,000	1-Oct-2019	30-Sep-2020	1.00	\$1,250	n/a	\$1,250
Notes for DELAYED costs			coverage unde	r TPDES		area to an alternation DH81 was terminat	
Avoided Costs	ANNUA	ALIZE avoided c	osts before en	tering	item (except for	one-time avoide	d costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$25,000			TOTAL		\$1,250

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN604045708, RN106352065, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, CN604045708, Texas Concrete Sand and Classification: SATISFACTORY Rating: 53.90

or Owner/Operator: Gravel, Inc.

Regulated Entity: RN106352065, Plum Grove Plant Classification: SATISFACTORY Rating: 22.14

Complexity Points: 6 Repeat Violator: NO

CH Group: 04 - Mining

Location: 7530 Farm-to-Market Road 1010 in Cleveland, Liberty County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

Compliance History Period: September 01, 2014 to August 31, 2019 Rating Year: 2019 Rating Date: 09/01/2019

Date Compliance History Report Prepared: March 06, 2020

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 06, 2015 to March 06, 2020

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

Name: Caleb Olson **Phone:** (817) 588-5856

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period? YES

2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 12/13/2016 ADMINORDER 2016-0143-WQ-E (1660 Order-Agreed Order With Denial)

Classification: Major

Citation: 30 TAC Chapter 342, SubChapter B 342.25(d)

Description: Failed to renew the Aggregate Production Operation (APO) registration annually.

Classification: Major

Citation: TWC Chapter 26 26.121(a)(2)

Description: Failed to prevent the unauthorized discharge of industrial waste

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1 Date: 03/08/2019 (1539125)

Self Report? NO Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(2)

Description: Failure to prevent the unauthorized discharge of industrial wastewater (process

water) into or adjacent to any water in the state.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOVs Issued During Component Period 3/6/2015 and 3/6/2020

1 Date: 10/05/2016 (1314306)

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Description: Failed to install and maintain Best Management Practices (BMPs) in order to

minimize the discharge of sand and sediment off-site.

2 Date: 03/12/2018 (1473846)

Classification: Major

Self Report? NO For Informational Purposes Only

Citation: TWC Chapter 26 26.121(a)(2)

Description: Failed to prevent the unauthorized discharge of industrial waste

Classification: Major

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TXR05DH81, Part V, Sector J.6 PERMIT TXR05DH81, Part V, Sector J.7 PERMIT

Description: Failed to conduct sampling as required.

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TXR05DH81, Part III.E.5. PERMIT TXR05DH81, Part III.E.6. PERMIT

Description: Failed to comply with record keeping and reporting requirements.

Classification: Major

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 342, SubChapter B 342.25(b)

Description: Failed to obtain an Aggregate Production Operation (APO) registration.

3 Date: 03/13/2018 (1389593)

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Description: Failed to comply with sampling requirements of the MSGP.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

30 TAC Chapter 305, SubChapter F 305.125(9)

Part III, Section E, Item 6(b) PERMIT

Description: Failed to submit a non-compliance notification for the unauthorized discharge of

process water.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

MSGP, Part IV, Section A, Item 3 PERMIT

Description: Failed to document steps taken to address benchmark exceedances.

4 Date: 04/17/2018 (1480370)

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 285, SubChapter A 285.3(a)

Description: Failure by Texas Concrete Sand and Gravel to hold a permit and an approved plan

to construct, alter, repair, extend, or operate an on-site sewage facility.

5 Date: 05/09/2018 (1480239)

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: Part III, Section C(1)(b), Page 72 PERMIT

Description: Failure by Texas Concrete Sand and Gravel to conduct sampling for Annual

Hazardous Metals.

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: Part III, Section E(6)(c), Page 84 PERMIT

Description: Failure by Texas Concrete Sand and Gravel to sign and certify the Routine Facility

Inspection (RFI) reports.

Classification: Mino

Self Report? NO For Informational Purposes Only

Citation: Part III, Section D(1)(c), Page 75 PERMIT

Description: Failure by Texas Concrete Sand and Gravel to maintain a rain gauge on-site.

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: Part IV, Section B(1)(a), Page 88 PERMIT

Description: Failure by Texas Concrete Sand and Gravel to conduct Benchmark sampling at the

specified frequency of every six months (Semi-Annually).

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: Part III, Section A(5)(a)(3), Page 64 PERMIT

Description: Failure by Texas Concrete Sand and Gravel to sign and certify the Delegation of

Authority form.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(2)

Description: Failure by Texas Concrete Sand and Gravel to prevent the discharge of waste into

or adjacent to waters of the state.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: Part III, Section A(4)(c), Page 63 PERMIT

Description: Failure by Texas Concrete Sand and Gravel to implement erosion/sediment

controls to address soil erosion.

6 Date: 05/11/2018 (1478289)

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4) 30 TAC Chapter 305, SubChapter F 305.125(9)

Part III, Section E, Item 6(b) PERMIT

Description: Failed to submit a non-compliance notification for the unauthorized discharge of

process water.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TXR05DH81, Part V Sector J.6(a)(1) PERMIT

Description: Failed to maintain compliance with permitted numeric effluent limitations.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TXR05DH81, Part III, Section D.2(b)(1) PERMIT

Description: Failed to sample at designated outfalls.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 319, SubChapter A 319.11(c)

Description: Failed to maintain compliance with sampling requirements.

Date: 05/14/2018 (1480077)

7

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

MSGP TXR05DH81 Part III PERMIT

Description: The permittee failed to maintain Best Management Practices (BMPs).

8 Date: 08/31/2018 (1499244)

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

MSGP TXR05DH81 Part III PERMIT

Description: The permittee failed to maintain Best Management Practices (BMPs).

9* Date: 11/14/2018 (1519173)

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Description: Failed to comply with sampling requirements of the MSGP.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

MSGP, Part IV, Section A, Item 3 PERMIT

Description: Failed to document steps taken to address benchmark exceedances.

Classification: Major

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TXR05DH81, Part V, Sector J.6 PERMIT TXR05DH81, Part V, Sector J.7 PERMIT

Description: Failed to conduct sampling as required.

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TXR05DH81, Part III.E.5. PERMIT TXR05DH81, Part III.E.6. PERMIT

Description: Failed to comply with record keeping and reporting requirements.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TXR05DH81, Part V Sector J.6(a)(1) PERMIT

Description: Failed to maintain compliance with permitted numeric effluent limitations.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TXR05DH81, Part III, Section D.2(b)(1) PERMIT

Description: Failed to sample at designated outfalls.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 319, SubChapter A 319.11(c)

Description: Failed to maintain compliance with sampling requirements.

10* Date: 03/08/2019 (1539125)

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(2)

Description: Failure to prevent the unauthorized discharge of industrial wastewater (process

water) into or adjacent to any water in the state.

Appendix B

All Investigations Conducted During Component Period March 06, 2015 and March 06, 2020

(1473846)

Item 1 March 09, 2018** For Informational Purposes Only

(1480370)

Item 2 April 17, 2018** For Informational Purposes Only

^{*} NOVs applicable for the Compliance History rating period 9/1/2014 to 8/31/2019

Item 3	May 10, 2018**	(1480239) Informational	Purposes	Only
Item 4	May 11, 2018**	(1480077) Informational	-	
Item 5	September 27, 2018*	(1518107) Informational	Purposes	Only
Item 6	October 05, 2018**	(1518083) Informational	Purposes	Only
Item 7	October 23, 2018**	(1523400) Informational	Purposes	Only
Item 8	October 30, 2018**	(1524579) Informational	Purposes	Only
Item 9	November 12, 2018**	(1519173) Informational	Purposes	Only
Item 10	January 16, 2019**	(1537729) Informational	Purposes	Only
Item 11	March 08, 2019**	(1539125) Informational	Purposes	Only
Item 12	July 12, 2019**	(1569840) Informational	Purposes	Only

^{*} No violations documented during this investigation

^{**}Investigation applicable for the Compliance History Rating period between 09/01/2014 and 08/31/2019.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
TEXAS CONCRETE SAND AND	§	TEAAS COMMISSION ON
GRAVEL, INC.	§	
RN106352065	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2019-0211-WQ-E

On	, the Texas Commission on Environmental Quality ("the
Commission" or "TCEQ")	considered this agreement of the parties, resolving an enforcement
action regarding Texas Co	ncrete Sand and Gravel, Inc. (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 presented this Order to the Commission.

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

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

- 1. The Respondent operated an aggregate production operation located at 7530 Farm-to-Market Road 1010 in Cleveland, Liberty County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in Tex. Water Code § 26.001(5).
- 2. During a record review conducted on January 9, 2019, an investigator documented that:
 - a. The benchmark value of 50 milligrams per liter ("mg/L") for Total Suspended Solids was exceeded on February 22, 2016 with a value of 375 mg/L and on August 29, 2016 with a value of 179 mg/L and no investigations were documented.
 - b. The Respondent was not properly recording sampling records, including the records of monitoring such as the date, time, and location of sample or measurement; identity of the individual who collected the sample or made the measurement or observation; and records of analysis such as the date, time, and

- place the analysis was conducted, the identity of the individual or laboratory that performed the analysis, the technique or method of analysis, the results, and the quality assurance and control records.
- c. On March 16, 2018, the pH at Outfall No. 1 was 5.75 standard units ("s.u."), failing to meet the minimum permitted numeric effluent limitation for pH of 6.0 s.u.
- d. The Respondent was collecting effluent samples at the northern pit pump of the stormwater retention pond rather than at the designated Outfall Nos. 1 and 2.
- 3. During an investigation conducted from May 15, 2019 through May 23, 2019, an investigator documented that during a rainfall event, water from the East Fork of the San Jacinto River entered the Facility's secondary process pond ("Pond 2") through an approximate 20-foot berm breach, resulting in the discharge of approximately 40 million gallons of process wastewater into the East Fork of the San Jacinto River.
- 4. During an investigation conducted on September 24, 2019, an investigator documented that:
 - a. Four berm breaches occurred at the Facility's primary process pond ("Pond 1"), resulting in the discharge of process wastewater into an existing drainage channel which led into the East Fork of the San Jacinto River.
 - b. The Respondent terminated coverage under Texas Pollutant Discharge Elimination System ("TPDES") Multi-Sector General Permit ("MSGP") No. TXR05DH81 on October 1, 2019, and, during a flyover of the Facility conducted on October 1, 2019, large bare areas of soil were observed where the dry mining pit was located and where the southern berm breaches of Pond 1 had been repaired.
- 4. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - d. By May 28, 2019, ceased discharging process wastewater and repaired the berm surrounding Pond 2.
 - e. By September 26, 2019, ceased discharging process wastewater and repaired the berm surrounding Pond 1.
 - c. By January 13, 2020:
 - i. Updated the Facility's operational guidance and conducted employee training to ensure that:

- (1) Sampling records are properly recorded including the records of monitoring such as the date, time, and location of sample measurement; identity of the individual who collected the sample or made the measurement or observation; and records of analysis such as the date, time, and place the analysis was conducted, the identity of the individual or laboratory that performed the analysis, the technique or method of analysis, the results, and the quality assurance and control records.
- (2) Investigations are properly conducted and recorded in the stormwater pollution prevent plan within 90 days of a benchmark value exceedance occurring.
- ii. Returned to compliance with the permitted numeric effluent limitations.

II. CONCLUSIONS OF LAW

- 1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to Tex. Water Code ch. 26 and the rules of the TCEQ.
- 2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to investigate the cause for each benchmark value exceedance within 90 days following the sampling event, in violation of 30 Tex. ADMIN. CODE § 305.125(1) and expired TPDES MSGP No. TXR05AX64, Part IV, Section A, Item 3.
- 3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to maintain complete and accurate records, in violation of 30 Tex. ADMIN. CODE § 305.125(1) and (11)(C) and terminated TPDES MSGP No. TXR05DH81, Part III, Section E, Item 5.
- 4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to comply with permitted numeric effluent limitations, in violation of Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and terminated TPDES MSGP No. TXR05DH81, Part V, Section J, Item 6(a)(1).
- 5. As evidenced by Finding of Fact No. 2.d, the Respondent failed to collect representative samples from the designated outfalls, in violation of 30 Tex. ADMIN. CODE § 305.125(1) and terminated TPDES MSGP No. TXR05DH81, Part III, Section D, Item 2(b)(1).
- 6. As evidenced by Finding of Fact No. 3, the Respondent failed to prevent the discharge of process wastewater into or adjacent to any water in the state, in violation of 30 Tex. ADMIN. CODE § 305.125(1), Tex. Water Code § 26.121(a)(1), and terminated TPDES MSGP No. TXR05DH81, Part V, Section J, No. 5(b).
- 7. As evidenced by Finding of Fact No. 4.a, the Respondent failed to prevent the discharge of process wastewater into or adjacent to any water in the state, in violation of 30 Tex. ADMIN. CODE § 305.125(1), Tex. Water Code § 26.121(a)(1), and terminated TPDES MSGP No. TXR05DH81, Part V, Section J, No. 5(b).

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- 8. As evidenced by Finding of Fact No. 4.b, the Respondent failed to meet the final stabilization requirements before terminating coverage under TPDES MSGP No. TXR050000, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and terminated TPDES MSGP No. TXR05DH81, Part V, Section J, No. 11(a).
- 9. Pursuant to Tex. Water Code § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
- 10. An administrative penalty in the amount of \$19,063 is justified by the facts recited in this Order, and considered in light of the factors set forth in Tex. WATER CODE § 7.053. The Respondent paid \$1,595 of the penalty. The remaining amount of \$17,468 shall be paid in 11 monthly payments of \$1,588 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty amount.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 10 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Texas Concrete Sand and Gravel, Inc., Docket No. 2019-0211-WQ-E" to:

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

2. The Respondent shall undertake the following technical requirements:

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- a. Within 30 days after the effective date of this Order, achieve final stabilization at the Facility or return the area to an alternative post-mining use.
- b. Within 45 days after the effective date of this Order, submit a written certification of compliance with Ordering Provision No. 2.a. The written certification of compliance shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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 Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Street, Suite H Houston, Texas 77023-1452

- 3. All relief not expressly granted in this Order is denied.
- 4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
- 5. If the Respondent fails to comply with any of the Ordering Provisions in this 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 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

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- 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.
- 6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
- 7. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
- 8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
- 9. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 10. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
- 11. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	Date
Custo	12/13/2021
For the Executive Director	Date
I, the undersigned, have read and understand the the attached Order, and I do agree to the terms a acknowledge that the TCEQ, in accepting paymes on such representation.	nd conditions specified therein. I further
I also understand that failure to comply with the and/or failure to timely pay the penalty amount,	
 A negative impact on compliance history; Greater scrutiny of any permit applications Referral of this case to the Attorney General additional penalties, and/or attorney fees, or Increased penalties in any future enforcement Automatic referral to the Attorney General TCEQ seeking other relief as authorized by 	al's Office for contempt, injunctive relief, or to a collection agency; ent actions; 's Office of any future enforcement actions; and
In addition, any falsification of any compliance of	71,121
Signature	Date
SOMAIAH KURRE	Date President
Name (Printed or typed) Authorized Representative of Texas Concrete Sand and Gravel, Inc.	Title
\square If mailing address has changed, please check	k this box and provide the new address below: