

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 57824  
BEN-HUR ENTERPRISES, LTD.  
RN105283139  
Docket No. 2019-0802-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:**

approximately 6 mi WNW of Puente de Las Americas Bridge and 1.16 mi S of FMR 1472, Laredo, Webb County (the "Site")

**Type of Operation:**

aggregate production

**Other Significant Matters:**

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	\$99.90
Other:	None
Interested Third-Parties:	None

**Texas Register Publication Date:** October 21, 2022

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$33,750

**Total Paid to General Revenue:** \$955

**Total Due to General Revenue:** \$32,795

Payment Plan: 35 payments of \$937 each

**Compliance History Classifications:**

Person/CN - High  
Site/RN - High

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** April 2014

**Investigation Information**

**Complaint Date(s):** On December 4, 2018, an aggregate production operations complaint was received in the Laredo Region Office.

On January 29, 2019, a second aggregate production operations complaint was received in the Laredo Region Office.

**Date(s) of Investigation:** January 11, 2019 through February 7, 2019

**Date(s) of NOV(s):** N/A

**Date(s) of NOE(s):** May 6, 2019

**Violation Information**

Failed to prevent an unauthorized discharge of silt material into or adjacent to any water in the state [TEX. WATER CODE § 26.121(a)(1)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

None

**Technical Requirements:**

1. Within 60 days, remediate the Santa Isabel Creek of silt material that discharged from the Site.
2. Within 75 days, submit written certification to demonstrate compliance with Technical Requirement No. 1.

**Litigation Information**

**Date Petition(s) Filed:** February 4, 2021

**Date Green Card(s) Signed:** February 6, 2021

**Hearing Date(s):**

Preliminary hearing: April 7, 2022

Evidentiary hearing: N/A

**Settlement Date:** August 15, 2022

**Contact Information**

**TCEQ Attorneys:** Casey Kurnath, Litigation Division, (512) 239-3400  
Sheldon Wayne, Public Interest Counsel, (512) 239-6363

**TCEQ Litigation Agenda Coordinator:** Katherine McKenzie, Litigation Division, (512) 239-2575

**TCEQ Enforcement Coordinator:** Mark Gamble, Enforcement Division, (512) 239-5717

**TCEQ Regional Contact:** Arnaldo Lanese, Laredo Regional Office, (956) 791-6611

**Respondent Contact:** Benito Hurtado, Director, BEN-HUR ENTERPRISES, LTD., P.O. Box 440779,  
Laredo, Texas 78044

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

## TCEQ

<b>DATES</b>	<b>Assigned</b>	14-May-2019	<b>Screening</b>	14-May-2019	<b>EPA Due</b>	
	<b>PCW</b>	6-Dec-2021				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	BEN-HUR ENTERPRISES, LTD.				
<b>Reg. Ent. Ref. No.</b>	RN105283139				
<b>Facility/Site Region</b>	16-Laredo	<b>Major/Minor Source</b>	Minor		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	57824	<b>No. of Violations</b>	1
<b>Docket No.</b>	2019-0802-WQ-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Steven Van Landingham
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$37,500**

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

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

**Compliance History** **-10.0%** Adjustment **Subtotals 2, 3, & 7** **-\$3,750**

<b>Notes</b>	Reduction for High Performer classification.
--------------	--

**Culpability** **No** **0.0%** Enhancement **Subtotal 4** **\$0**

<b>Notes</b>	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	\$6,659	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$105,000	

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$33,750**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.0%** Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
--------------	--

**Final Penalty Amount** **\$33,750**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$33,750**

**DEFERRAL** **0.0%** Reduction **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	No deferral is recommended for Findings Orders.
--------------	---

**PAYABLE PENALTY** **\$33,750**

**Screening Date** 14-May-2019

**Docket No.** 2019-0802-WQ-E

**PCW**

**Respondent** BEN-HUR ENTERPRISES, LTD.

*Policy Revision 4 (April 2014)*

**Case ID No.** 57824

*PCW Revision March 26, 2014*

**Reg. Ent. Reference No.** RN105283139

**Media** Water Quality

**Enf. Coordinator** Steven Van Landingham

### Compliance History Worksheet

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

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 0%

**>> Repeat Violator (Subtotal 3)**

No

**Adjustment Percentage (Subtotal 3)** 0%

**>> Compliance History Person Classification (Subtotal 7)**

High Performer

**Adjustment Percentage (Subtotal 7)** -10%

**>> Compliance History Summary**

**Compliance History Notes**

Reduction for High Performer classification.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** -10%

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** -10%

Screening Date 14-May-2019

Docket No. 2019-0802-WQ-E

PCW

Respondent BEN-HUR ENTERPRISES, LTD.

Policy Revision 4 (April 2014)

Case ID No. 57824

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN105283139

Media Water Quality

Enf. Coordinator Steven Van Landingham

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1)

Violation Description Failed to prevent an unauthorized discharge of silt material into or adjacent to any water in the state. Specifically, silt material discharged through a man-made trench from retention ponds on the Site into Santa Isabel Creek and impeded creek flow.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (30.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0.0%).

Matrix Notes Unauthorized diversion, taking, or storage of state water or an unauthorized change in flood elevation of a stream that deprives others of water, severely affects aquatic life, or results in a safety hazard, property damage, or economic loss.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 5 Number of violation days 123

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event) and count.

Violation Base Penalty \$37,500

Five monthly events are recommended from the January 11, 2019 investigation date to the May 14, 2019 screening date.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table with columns: Effort Type (Extraordinary, Ordinary, N/A) and status (Before NOE/NOV, NOE/NOV to EDPRP/Settlement Offer).

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

Violation Subtotal \$37,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6,659

Violation Final Penalty Total \$33,750

This violation Final Assessed Penalty (adjusted for limits) \$33,750

## Economic Benefit Worksheet

**Respondent** BEN-HUR ENTERPRISES, LTD.  
**Case ID No.** 57824  
**Reg. Ent. Reference No.** RN105283139  
**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	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$5,000	11-Jan-2019	25-Feb-2019	0.12	\$2	\$41	\$43
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	\$100,000	11-Jan-2019	8-May-2020	1.32	\$6,616	n/a	\$6,616
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated Engineering/Construction cost to fill-in the man-made trench between the retention ponds and Santa Isabel Creek. The Date Required is the investigation date and the Final Date is the date corrective actions were completed.  Estimated Remediation/Disposal cost to remediate the Santa Isabel Creek of silt material that discharged from the Site. The Date Required is the investigation date and the Final Date is the compliance date.						

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

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

Approx. Cost of Compliance \$105,000

**TOTAL** \$6,659

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 CN602530065, RN105283139, Rating Year 2018 which includes Compliance History (CH) components from September 1, 2013, through August 31, 2018.

**Customer, Respondent, or Owner/Operator:** CN602530065, BEN-HUR ENTERPRISES LTD. **Classification:** HIGH **Rating:** 0.00

**Regulated Entity:** RN105283139, Ben-Hur Enterprises **Classification:** HIGH **Rating:** 0.00

**Complexity Points:** 7 **Repeat Violator:** NO

**CH Group:** 04 - Mining

**Location:** Approximately 6 miles west-northwest of the Puente de Las Americas Bridge in Laredo and 1.16 miles South of Farm-to-Market Road 1472 in Webb County, Texas

**TCEQ Region:** REGION 16 - LAREDO

**ID Number(s):** **STORMWATER PERMIT** TXR05DM89  
**AGGREGATES REGISTRATION** AP0002922  
**AIR NEW SOURCE PERMITS PERMIT** 143444

**Compliance History Period:** September 01, 2013 to August 31, 2018 **Rating Year:** 2018 **Rating Date:** 09/01/2018

**Date Compliance History Report Prepared:** August 23, 2019

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** August 23, 2014 to August 23, 2019

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

**Name:** Steven Van Landingham

**Phone:** (512) 239-5717

## 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:**

N/A

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

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

Item 1	March 31, 2017	(1402522)
Item 2	January 29, 2018	(1464639)

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

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

N/A

### **F. Environmental audits:**

### **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 6/11/2014 and 6/11/2019**

N/A

For Informational Purposes Only

### **Appendix B**

**All Investigations Conducted During Component Period June 11, 2014 and June 11, 2019**

(1402522)

Item 1\*

March 31, 2017\*\*

For Informational Purposes Only

(1464639)

Item 2\*

January 29, 2018\*\*

For Informational Purposes Only

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2013 and 08/31/2018.



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT  
ACTION CONCERNING  
BEN-HUR ENTERPRISES, LTD.;  
RN105283139

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## AGREED ORDER

DOCKET NO. 2019-0802-WQ-E

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding BEN-HUR ENTERPRISES, LTD. ("Respondent") under the authority of TEX. WATER CODE § 7.054 and chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent presented this Order to the Commission.

Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, to request an evidentiary hearing, receive notice of an evidentiary hearing, and a right to appeal. By entering into this Order, Respondent agrees to waive all notice and procedural rights which might otherwise be authorized or required in this action.

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 Respondent.

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

### FINDINGS OF FACT

1. Respondent owns and operates an aggregate production operation ("APO") located approximately 6 miles west-northwest of Puente de Las Americas Bridge in Laredo, Texas and 1.16 miles south of Farm-to-Market Road 1472 in Webb County, Texas (the "Site"). The Site is near or adjacent to water in the state as defined in Tex. Water Code § 26.001(5).
2. During an investigation conducted on January 11, 2019 through February 7, 2019, an investigator documented that Respondent failed to prevent an unauthorized discharge of silt material into or adjacent to any water in the state. Specifically, silt material discharged through a man-made trench from retention ponds on the Site into Santa Isabel Creek and impeded creek flow.

### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, 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, Respondent failed to prevent an unauthorized discharge of silt material into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1).
3. Pursuant to TEX. WATER CODE § 7.051, TCEQ has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for

violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

4. An administrative penalty in the amount of thirty-three thousand seven hundred fifty dollars (\$33,750.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Respondent paid nine hundred fifty-five dollars (\$955.00) of the penalty. The remaining amount of thirty-two thousand seven hundred ninety-five dollars (\$32,795.00) shall be paid in thirty-five (35) monthly payments of nine hundred thirty-seven dollars (\$937.00) 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 Respondent fails to timely and satisfactorily comply with the payment requirements of this Order, including the payment schedule, the Executive Director may, at his 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, Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Order.

#### ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all 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 which are not raised here. Penalty payments shall be made payable to TCEQ and shall be sent with the notation "Re: Ben-Hur Enterprises, LTD., Docket No. 2019-0802-WQ-E" to:

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

2. Respondent shall undertake the following technical requirements:
  - a. Within 60 days after the effective date of this Order, remediate the Santa Isabel Creek of silt material that discharged from the Site;
  - b. Within 75 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provisions No. 2.a. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by 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 fine and imprisonment for knowing violations."

The written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

and:

Water Section Manager  
Laredo Regional Office  
Texas Commission on Environmental Quality  
707 East Calton Road, Suite 304  
Laredo, Texas 78041-3887

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 Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Site operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. If 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, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the Office of the Attorney General of the State of Texas ("OAG") to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction, or of a rule adopted or an order or permit issued by TCEQ under such a statute. The Executive Director may, without further notice or hearing, refer this matter to the OAG for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
8. 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.
9. 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.
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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

\_\_\_\_\_  
Date

Erin E. Chanallop

11/14/22

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

\_\_\_\_\_  
Date

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

I also understand that failure to comply with the Ordering Provisions 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.

Claudia Hurtado Lancia

Signature - Claudia Hurtado, Director  
BEN-HUR ENTERPRISES, LTD.  
1810 West Mann Road  
Laredo, Texas 78041

\_\_\_\_\_  
Date

August 15, 2022

If mailing address has changed, please check this box and provide the new address below:

P.O. Box 440779 Laredo, TX 78044-0779