EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 58160 BOYD COUNTRY ROAD, LLC RN110718400 Docket No. 2019-1404-WQ-E

Order Type: Agreed Order

Media:

WQ

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

North side of County Road 4680, approximately 0.25 mile east of Private Road 137 near Boyd, Wise County (the "Site")

Type of Operation:

construction site

Other Significant Matters:

Additional Pending Enforcement Actions: None Past-Due Penalties: None Past-Due Fees: None Other: None

Interested Third Parties: James W. Volberding (receiver appointed through

private litigation)

Texas Register Publication Date: May 6, 2022

Comments Received: None

Penalty Information

Total Penalty Assessed: \$20,212

Total Paid to General Revenue: \$20,212

Total Due to General Revenue: \$0

Compliance History Classifications:

Person/CN - SATISFACTORY Site/RN - SATISFACTORY

Major Source: No Statutory Limit Adjustment: None

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): April 2, 2019; June 19, 2019

Complaint Information: Complainants allege a lack of controls at a construction site and

that a pond was receiving silt, sediment, and debris.

Date(s) of Investigation: April 23, 2019; June 27, 2019

Date(s) of NOV(s): May 15, 2019 **Date(s) of NOE(s):** July 29, 2019

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Violation Information

- 1. Failed to install and maintain best management practices ("BMPs") at the Site [30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") General Permit ("GP") No. TXR15736V, Part III, Section G.1].
- 2. Failed to complete any necessary maintenance needed, based on the results of the site inspection [30 Tex. ADMIN. CODE § 305.125(1) and TPDES GP No. TXR15736V, Part III, Section F.7(b)(vii)].
- 3. Failed to include a description of the intended schedule or sequence of activities that will disturb soils for major portions of the Site, including estimated start dates and duration of activities in the Stormwater Pollution Prevention Plan ("SWP3") [30 Tex. ADMIN. CODE § 305.125(1) and TPDES GP No. TXR15736V, Part III, Section F.1(c)].
- 4. Failed to maintain a detailed site map [30 Tex. ADMIN. CODE § 305.125(1) and TPDES GP No. TXR15736V, Part III, Sections F.1(g)(iii) and (g)(vi)].
- 5. Failed to construct a sedimentation basin, where feasible, for a common drainage location that serves an area with ten or more acres disturbed at one time [30 Tex. ADMIN. CODE § 305.125(1) and TPDES GP No. TXR15736V, Part III, Section F.2(c)(i)(A)(1)].
- 6. Failed to design, install, implement, and maintain pollution prevention measures to minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present at the Site to precipitation and to stormwater [Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES GP No. TXR15736V, Part III, Section G.4(b)].
- 7. Failed to take all reasonable steps to minimize or prevent any discharge in violation of TPDES GP No. TXR15736V that has a reasonable likelihood of adversely affecting human health or the environment [Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES GP No. TXR15736V, Part VII, Section H].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

- 1. By October 2, 2020, included a schedule in its SWP3 that provided estimated dates and duration for activities that will disturb the major portions of the Site, such as grading, roads, and stabilization practices (Violation No. 3).
- 2. By October 2, 2020, updated the site map in the SWP3 to reflect and represent the current Site conditions and controls and identify applicable surface waters (Violation No. 4).

Technical Requirements:

- 1. Within 30 days:
 - a. Replace all damaged and ineffective BMPs at the Site (Violation No. 1);
 - b. Implement procedures and conduct employee training to ensure necessary maintenance is completed as suggested in Site inspections to reduce and/or minimize the discharge of pollutants (Violation No. 2);
 - c. Remove and properly dispose of the trash and construction debris at the Site (Violation No. 6); and
 - d. Develop controls to contain trash and construction materials on-site (Violation No. 6).
- 2. Within 60 days after the effective date of this Order:
 - a. Construct a sedimentation basin or install equivalent controls to minimize the discharge of sediment from the Site (Violation No. 5);

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 58160 BOYD COUNTRY ROAD, LLC RN110718400 Docket No. 2019-1404-WQ-E

- b. Include the calculations and other applicable information for the sediment basin in the SWP3 (Violation No. 5); and
- c. Make all reasonable efforts to work with the neighboring property owner(s) to remove and properly dispose of the accumulated sediment from the unnamed tributary of Walker Creek, pond, and neighboring property (Violation No. 6).
- 3. Submit written certification to demonstrate compliance:
 - a. Within 45 days for Technical Requirements Nos. 1.a. through 1.d.;
 - b. Within 75 days for Technical Requirements Nos. 2.a. through 2.c.
- 4. In lieu of Technical Requirements Nos. 1 through 3, within 30 days Respondent may submit documentation and certification evidencing it has satisfied its obligations under TPDES GP No. TXR15736V, Part II, Section F, to terminate its coverage under the permit, ceased construction activity at the Site, and that coverage under the permit is no longer needed.

Litigation Information

Date Petition(s) Filed:August 30, 2021Date Answer(s) Filed:October 15, 2021Settlement Date:March 19, 2022

Contact Information

TCEQ Attorneys: Jess Robinson, Litigation Division, (512) 239-3400

Garrett Arthur, 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) 239-2587

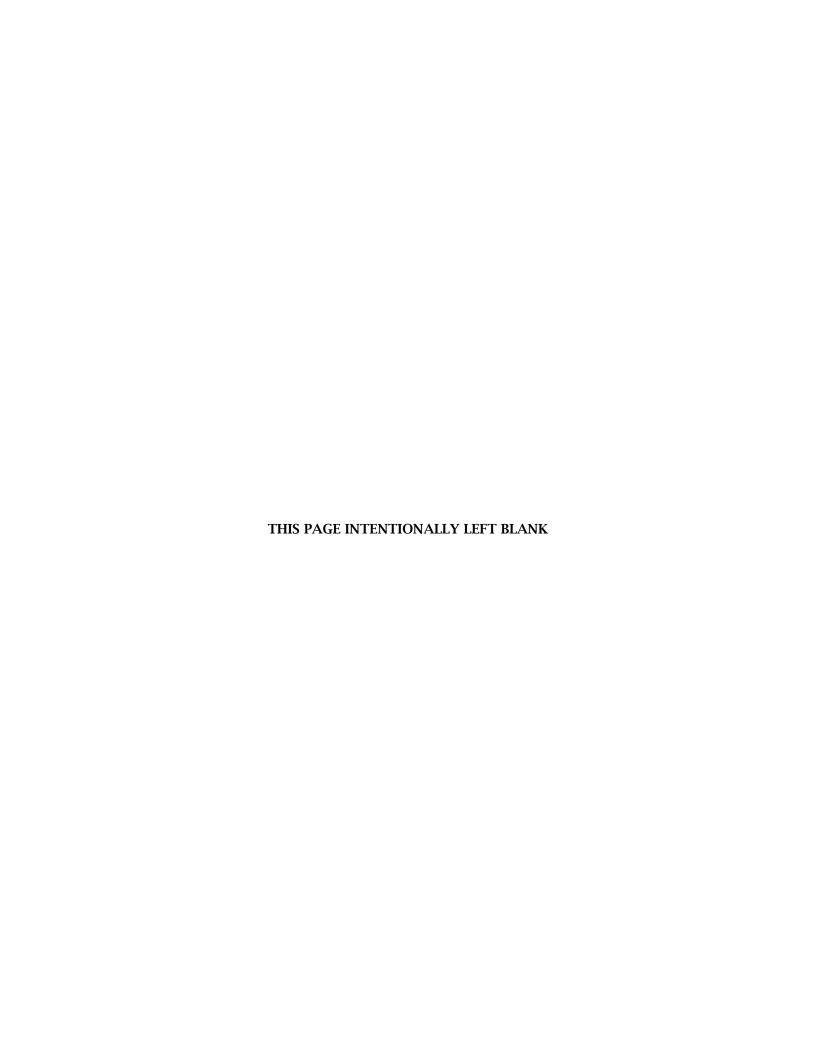
TCEQ Regional Contact: Brent Candler, Dallas/Fort Worth Regional Office, (817) 588-5800

Respondent Contact: Gregory Quail, Manager, BOYD COUNTRY ROAD, LLC, 1021 ESE Loop 323, STE

120, Tyler, Texas 75701

Respondent's Attorney: William D. Farrar, William D. Farrar & Associates, PLLC, P.O. Box 130185,

Tyler, Texas 75713



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PAYABLE PENALTY

PCW Revision March 26, 2014

\$20,212

TCEQ								
DATES	Assigned	29-Jul-2019	_					
	PCW	23-Sep-2019	Screening	1-Aug-2019	EPA Due			
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Per	g. Ent. Ref. No.	BOYD COUNTRY	ROAD, LLC					
		4-Dallas/Fort Wo	orth		Major/	Minor Source	Minor	
	ty, che neglen							
CASE I	NFORMATION							
En	f./Case ID No.				No.	of Violations		
		2019-1404-WQ-	<u>E</u>			Order Type		
Med	lia Program(s)	Water Quality				t/Non-Profit		
	Multi-Media				Ent.		Herbert Darling Enforcement Te	
Adr	min. Penalty \$ I	imit Minimum	\$0 M	laximum	\$25,000	LC 5 Team	Linorcement re	:::::::::::::::::::::::::::::::::::::::
			Penalty	/ Calculat	tion Secti	on		
TOTA	L BASE PENA	LTY (Sum of	•			OH	Subtotal 1	\$19,250
- 0 - 1 - 1		(•••••••		acc penan				
ADJU	STMENTS (+	/-) TO SUBT	OTAL 1					
	Compliance Hi	tained by multiplying	the Total Base Pe				tals 2, 3, & 7	\$962
	Compliance in	Story		5.0%	Adjustment	Subto	lais 2, 3, & 7	<u> </u>
	Notes	Enhanc	ement for one I	NOV with sam	e/similar viola	tions.		
							J	
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
	Notes	The Re	spondent does	not meet the	culpability crit	eria.		
				_			· 	
	Good Faith Eff	ort to Comply T	otal Adjustme	ents			Subtotal 5	\$0
	Economic Bend	efit		0.0%	Enhancement*		Subtotal 6	\$0
	Estimated	Total EB Amounts Cost of Compliance	\$4,909 \$77,500	*Саррес	d at the Total EB \$	Amount		
SUM (OF SUBTOTA	LS 1-7				F	inal Subtotal	\$20,212
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		AS JUSTICE N Subtotal by the indic		(E	0.0%		Adjustment	\$0
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	Notes							
						Final Per	nalty Amount	\$20,212
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Reduces t	the Final Assessed Pe	nalty by the indicate	d percentage.				1	
	Notes	Defe	rral not offered	for non-expe	dited settleme	nt.		

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Docket No. 2019-1404-WQ-E

Respondent BOYD COUNTRY ROAD, LLC

Case ID No. 58160

Reg. Ent. Reference No. RN110718400

Media Water Quality

Enf. Coordinator Herbert Darling

Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria) Other written NOVs Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria) Orders Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal ogovernment, or any final prohibitory emergency orders issued by the commission government, or any final prohibitory emergency orders issued by the commission 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 orteria) 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 (number of judgments or consent decrees meeting orteria) Any dijudgments or consent decrees without a denial of liability, of this state or the federal government (number of judgments or consent decrees meeting orteria) Any dijudgments or consent decrees without a denial of liability, of this state or the federal government (number of judgments or consent decrees meeting orteria) Any criminal convictions of this state or the federal government (number of judgments or consent decrees meeting or on on-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government (number of judgments or on-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government (number of judgments or on-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government or judgments or on-adjudicated final court judgments or consent decrees without a function of judgments or judgments or judgments or j	Component	ory <i>Site</i> Enhancement (Subtotal 2) Number of	Number	Adjust.			
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Compliance History Summary Compliance History Summary Enhancement for one NOV with same/similar violations. Notes	Compliance Hist	ory Person Classification (Subtotal 7)					
Compliance History Notes Enhancement for one NOV with same/similar violations.	Satisfactory	Performer Adjustment Per	centage (Sul	ototal 7)			
Notes Enhancement for one NOV with same/similar violations. ———————————————————————————————————	Compliance Hist	ory Summary					
Notes Enhancement for one NOV with same/similar violations.							
Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)	History	Enhancement for one NOV with same/similar violations.					
		Total Compliance History Adjustment Percentage (S	Subtotals 2.	- 3, & 7) □			

	Scre	ening Date	1-Aug-2019		Do	ket No. 2019-	-1404-WQ-E		PCW
			BOYD COUNTRY	Y ROAD, LLC				Policy	Revision 4 (April 2014)
		Case ID No.	58160					PCW R	evision March 26, 2014
Reg.	Ent. Ref	erence No.	RN110718400						
			Water Quality						
			Herbert Darling	l					
	Viola	ation Number							
		Rule Cite(s)				l Texas Pollutant No. TXR15736V,			
Violation Description						agement practice ng maintained ar			
							Bas	se Penalty	\$25,000
>> Env	/ironme	ntal. Prope	rty and Hum	an Health	Matrix				
		, , , , , , ,		Harm					
0.0		Release		Moderate	Minor				
OR		Actual Potential		Х		Perce	ent 5.0%	1	
		rotential		٨		reic	3.070	1	
>>Prog	gramma	tic Matrix							
		Falsification	Major	Moderate	Minor			-	
						Perce	ent 0.0%		
	Matrix Notes			hat are prote		osed to significant an health or envir ion.			
						A -12		+22.750	
						Adjustm	ent	\$23,750	
									\$1,250
\/:-I-+:	-	· -							
violatio	on Event	ts .							
		Number of \	Violation Events	1		35 Numb	er of violation	days	
			daily						
			weekly						
			monthly quarterly	Х		,	Violation Bas	se Penalty	\$1,250
			semiannual	^			Violation bas	se i charty	ψ1/230
			annual						
			single event						
		One quarterly	event is recomn			ion date (June 27	7, 2019) to the	e screening	
				date (August 1, 20	19).			
Good F	aith Effo	orts to Com		0.0%	NOE (NOV.) - E			Reduction	\$0
			Extraordinary	efore NOE/NOV	NOE/NOV to E	OPRP/Settlement Offe	er		
			Ordinary						
			N/A	Х					
			.,,,,					1	
			Notes	The Responde		meet the good fa violation.	ith criteria for		
							Violatio	n Subtotal	\$1,250
Econon	nic Bene	efit (EB) for	this violation	on		Stat	utory Limi	t Test	
		Estimate	ed EB Amount		\$605	Violat	ion Final Per	alty Total	\$1,313
					·			-	
				This viola	ation Final A	ssessed Penalt	y (adjusted	for limits)	\$1,313

Economic Benefit Worksheet											
Respondent	BOYD COUNTR	RY ROAD, LLC									
Case ID No.	58160										
Reg. Ent. Reference No.											
	Water Quality					Percent Interest	Years of Depreciation				
Violation No.	_					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				0.00	\$0	n/a	\$0				
Other (as needed)	\$10,000	23-Apr-2019	8-Jul-2020	1.21	\$605	n/a	\$605				
Notes for DELAYED costs	V	iolation was initial	ly documented	. Final o	date is the estimate	e. Date required is ed date of complian	ce.				
Avoided Costs	ANNUA	ALIZE avoided c	osts before ei			one-time avoide					
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											

		ening Date		Docket No. 2019-1404-WQ-E	PCW
			BOYD COUNTRY		y Revision 4 (April 2014)
Pog		Case ID No.	58160 RN110718400	PCW	Revision March 26, 2014
Reg.	Liit. Kei		Water Quality		
	Enf. C		Herbert Darling		
	Viol	ation Number			,
		Rule Cite(s)	30 Tex. Admin.	Code § 305.125(1) and TPDES GP No. TXR15736V, Part III, Section F.7(b)(vii)	
				(2)()	1
Violation Description			site inspectio	lete any necessary maintenance needed, based on the results of the n. Specifically, the corrective actions recommended in the April 16, 23, 2019, and April 30, 2019 site inspections were not completed.	
				Base Penalty	\$25,000
>> Env	vironme	ntal, Proper	ty and Hum	an Health Matrix	
		Release	-	Harm Moderate Minor	
OR		Actual	Major	Moderate Millor	
		Potential		x Percent 5.0%	
>>Dro	aramma	tic Matrix			
// // //	gramma	Falsification	Major	Moderate Minor	
				Percent 0.0%	
		Lluman haalth	or the environm	post will as sould be expected to conficent amounts of pollutants that	a
	Matrix			nent will or could be exposed to significant amounts of pollutants that are protective of human health or environmental receptors as a result	
	Notes			of the violation.	
				# di	-
				Adjustment \$23,750	4
					\$1,250
Violatio	on Even	ts			
		Number of V	(inlation Frants	A Section of violation days	
		Number of V	iolation Events/	1 Number of violation days	
			daily		
			weekly		
			monthly quarterly	X Violation Base Penalty	\$1,250
			semiannual		1 / 22
			annual		
			single event		
		One quarterly	event is recomi	nended from the investigation date (June 27, 2019) to the screening	1
				date (August 1, 2019).	
Good F	aith Eff	orts to Com	ply	0.0% Reduction	\$0
			В	efore NOE/NOV NOE/NOV to EDPRP/Settlement Offer	·
			Extraordinary		
			Ordinary N/A	X	
			14,71		
			Notes	The Respondent does not meet the good faith criteria for this violation.	
				Violation Subtota	\$1,250
Econon	nic Bene	fit (EB) for	this violation	on Statutory Limit Test	
		Estimate	ed EB Amount	\$15 Violation Final Penalty Tota	\$1,313
				This violation Final Assessed Penalty (adjusted for limits)	\$1,313
				, , ,	

Economic Benefit Worksheet											
Respondent	BOYD COUNTR	RY ROAD, LLC									
Case ID No.	58160										
Reg. Ent. Reference No.	RN110718400										
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											
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	23-Apr-2019	8-Jul-2020	1.21	\$15	n/a	\$15				
Training/Sampling				0.00	\$0	n/a	\$0				
Remediation/Disposal				0.00	\$0	n/a	\$0				
Permit Costs				0.00	\$0	n/a	\$0				
Other (as needed)				0.00	\$0	n/a	\$0				
	Estimated cos	st to implement n	rocedures and o	conduct	employee training	to ensure necessar	v maintenance				
Notes for DELAYED costs						the discharge of po					
Notes for BEER ED costs			•			the estimated date					
			<u> </u>				•				
Avoided Costs	ANNU	ALIZE avoided o	osts before e	ntering	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											

		ening Date		Docket No. 2019-1404-WQ-E	PCW
			BOYD COUNTRY	Y ROAD, LLC Policy	Revision 4 (April 2014)
		ase ID No.		PCW F	Revision March 26, 2014
Reg.	Ent. Ref		RN110718400		
			Water Quality		
			Herbert Darling		
	Viola	ation Number			
		Rule Cite(s)	30 Tex. Admin.	Code § 305.125(1) and TPDES GP No. TXR15736V, Part III, Section	
				F.1(c)	
				e a description of the intended schedule or sequence of activities that	
	Violatio	n Description		ls for major portions of the Site, including estimated start dates and	
			duration of	factivities in the stormwater pollution prevention plan ("SWP3").	
				Base Penalty	\$25,000
_	_				
>> Env	vironme	ntal, Propei	ty and Hum	an Health Matrix	
		Release	Major	Harm Moderate Minor	
OR		Actual		Moderate Million	
O.C		Potential		Percent 0.0%	
		rocertiai		referre 0.070	
>>Proc	gramma	tic Matrix			
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	gramma	Falsification	Major	Moderate Minor	
				X Percent 1.0%	
	Matrix		Less that	30% of the permit requirements were not met.	
	Notes				
				Adjustment \$24,750	
				-	
					\$250
Violetia	on Event	.			
violatio	on Even	is .			
		Number of \	Violation Events	1 35 Number of violation days	
		Number of v	Aloiddion Events	1 Namber of violation days	
			daily		
			weekly		
			monthly		
			quarterly	Violation Base Penalty	\$250
			semiannual	•	
			annual		
			single event	X	
				One single event is recommended.	
Good F	aith Effo	orts to Com		0.0% Reduction	\$0
			To the second se	efore NOE/NOV NOE/NOV to EDPRP/Settlement Offer	
			Extraordinary		
			Ordinary		
			N/A	X	
				The Respondent does not meet the good faith criteria for	
			Notes	this violation.	
			Į		
				water or the	+250
				Violation Subtotal	\$250
Econon	nic Rene	fit (FR) for	this violation	on Statutory Limit Test	
	c Delle	(20) 101	cilis violatio	Statutory Limit rest	
		Estimate	ed EB Amount	\$18 Violation Final Penalty Total	\$263
			-		
				This violation Final Assessed Penalty (adjusted for limits)	\$263

Economic Benefit Worksheet											
Respondent	BOYD COUNTR	RY ROAD, LLC									
Case ID No.	58160										
Reg. Ent. Reference No.	RN110718400)									
	Water Quality						Years of				
Violation No.	- ,					Percent Interest	Depreciation				
7.0.00.01.01.						5.0	15				
	Itom Cost	Date Required	Final Date	Vrc	Interest Saved	Costs Saved	EB Amount				
	Item Cost	Date Required	rillai Date	115	Interest Saveu	Costs Saveu	EB Allioulit				
Item Description											
Delayed Costs		1		- 7							
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	23-Apr-2019	2-Oct-2020	1.45	\$18	n/a	\$18				
Training/Sampling				0.00	\$0	n/a	\$0				
Remediation/Disposal				0.00	\$0	n/a	\$0				
Permit Costs				0.00	\$0	n/a	\$0				
Other (as needed)				0.00	\$0	n/a	\$0				
	Estimated of	act to include a co	shadula in the C	.WD2 in	cluding actimated	dates and duration	for the major				
Notes for DELAYED and						s. Date required is					
Notes for DELAYED costs		•			•	· ·					
	violation	n was initially doci	umentea. Finai	Date is	the date by which	compliance was red	cognizea.				
Avoided Costs	ANNU	ALIZE avoided c	osts before ei	ntering	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		\$18				

	Scre	ening Date	1-Aug-2019	D	ocket No. 2019-1	L404-WQ-E	PCW
			BOYD COUNTRY ROA	D, LLC		Policy	Revision 4 (April 2014)
Dog		Case ID No.				PCW I	Revision March 26, 2014
Reg.	ent. Kei		RN110718400 Water Quality				
	Enf. C		Herbert Darling				
		ation Number	4				
		Rule Cite(s)	30 Tex. Admin. Code			5736V, Part III, Section	
				F.1(g)(I	iii) and (vi)		
Violation Description				or controls or clearly		map did not represent ters either at, adjacent,	
						Base Penalty	\$25,000
>> Env	vironme	ntal, Propei	ty and Human H	lealth Matrix			
		Release		arm derate Minor			
OR		Actual		derate Minor	1		
		Potential			Perce	nt 0.0%	
D		11 - NA - 1-1			_		
>>Pro	gramma	tic Matrix Falsification	Major Mod	derate Minor			
		- diameters:	. raje.	X	Perce	nt 1.0%	
			· · · · · · · · · · · · · · · · · · ·		=		1
	Matrix Notes		Less than 30%	of the permit requi	rements were not m	et.	
					A -11	+24.750	1
					Adjustme	nt \$24,750	
							\$250
Violatio	on Event	ts					
riolati							
		Number of \	/iolation Events	1	Numbe	er of violation days	
			daily weekly monthly quarterly		v	iolation Base Penalty	\$250
			semiannual		•	lolution base i charty	Ψ230
			annual				
			single event	X			
			One	e single event is reco	ommended.		
Good F	aith Effo	orts to Com	ply	0.0%		Reduction	\$0
			Before N		EDPRP/Settlement Offer		
			Extraordinary				
			Ordinary N/A	X			
				Respondent does no	t meet the good fait	h criteria for	
				Cin		Violation Subtotal	\$250
							\$23U
Econon	nic Bene	etit (EB) for	this violation		Statu	itory Limit Test	
		Estimat	ed EB Amount	\$18	Violatio	on Final Penalty Total	\$263
			1	This violation Fina	l Assessed Penalty	(adjusted for limits)	\$263
							7_00

	E	conomic	Benefit	Wo	rksheet		
Respondent	BOYD COUNTR	RY ROAD, LLC					
Case ID No.	58160						
Reg. Ent. Reference No.							
Media Violation No.	Water Quality 4					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	+250	22. 4 2010	2.0-1-2020	0.00	\$0	n/a	\$0
Record Keeping System	\$250	23-Apr-2019	2-Oct-2020	1.45 0.00	\$18 \$0	n/a n/a	\$18 \$0
Training/Sampling 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	controls a	and identify application documented.	able surface wa Final Date is the	ters. D e date b	ate required is the		vas initially
Avoided Costs	ANNU	ALIZE avoided c	osts before er			one-time avoide	
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) Notes for AVOIDED costs		<u> </u>		<u> 0.00</u>	1 \$0	1 \$0	50
Approx. Cost of Compliance		\$250			TOTAL		\$18

		ening Date			No. 2019-1404-WQ-E	PCW
			BOYD COUNTRY ROAD, L	LC		icy Revision 4 (April 2014)
Reg.		case ID No.	S8160 RN110718400		PCV	V Revision March 26, 2014
iteg.	Liiti itti		Water Quality			
			Herbert Darling			
	Viola	ation Number		00F 12F(1) == 1 TDDFC C	CD No. TVD15726V Book III. Cookin	
		Rule Cite(s)	30 Tex. Admin. Code § 3	F.2(c)(i)(A)(1)	GP No. TXR15736V, Part III, Sectio)	n
			Failed to construct a se		re feasible, for a common drainage	
			location that serves	an area with ten or mor	re acres disturbed at one time.	
	Violatio	n Description			vas designated as a sediment basin	•
			but it did not represent	of the SWP3.	scribed in the control details portion.	1
					Base Penali	\$25,000
>> Env	vironme	ntal, Prope	rty and Human Hea	Ith Matrix		
			Harm			
OR		Release Actual	Major Modera	te Minor		
		Potential	X		Percent 15.0%	
>>Prog	gramma	tic Matrix Falsification	Major Modera	te Minor		
	·		- Tager - Treatera		Percent 0.0%	
						-
	Matrix	Human healt	h or the environment will	or could be exposed to p	pollutants that would exceed levels	
	Notes	that are p	rotective of human health	or environmental recep	otors as a result of the violation.	
						_
					Adjustment \$21,25	<u>[0]</u>
						\$3,750
Violatio	on Event	rs				
Tiolatic	J. 200					
		Number of \	Violation Events 2	35	Number of violation days	
			daily			
			weekly			
			monthly x		Violation Base Bonals	#7 F00
			quarterly semiannual		Violation Base Penal	xy \$7,500
			annual			
			single event			
		_				1
		I wo mon	•	ided from the investigati ing date (August 1, 2019	ion date (June 27, 2019) to the 9).	
				3 (3)	-,	
Good F	aith Effo	orts to Com	ply 0.0	0%	Reductio	n \$0
			Before NOE/I	NOV NOE/NOV to EDPRP/Set	ttlement Offer	
			Extraordinary Ordinary			
			N/A x			
				andent does not most t	the good faith critaria for	
			Notes	this violatic	the good faith criteria for	
					Violation Subtot	\$7,500
Econon	nic Bene	fit (EB) for	this violation		Statutory Limit Test	
		Estimat	ed EB Amount	\$1,374	Violation Final Penalty Total	ş7,875
					-	
			inis	VIOIAUUN FINAI ASSESS	sed Penalty (adjusted for limits	\$7,875

	E	conomic	Benefit	Wo	rksheet					
Respondent	BOYD COUNTR	RY ROAD, LLC								
Case ID No.										
Reg. Ent. Reference No.	RN110718400									
Media	Water Quality					Percent Interest	Years of			
Violation No.	5					r creent interest	Depreciation			
						5.0	15			
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount			
Item Description										
Delayed Costs										
Équipment				0.00	\$0	\$0	\$0			
Buildings				0.00	\$0	\$0	\$0			
Other (as needed)				0.00	\$0	\$0	\$0			
Engineering/Construction	\$15,000	23-Apr-2019	7-Aug-2020	1.29	\$65	\$1,293	\$1,358			
Land				0.00	\$0	n/a	\$0			
Record Keeping System	\$250	23-Apr-2019	7-Aug-2020	1.29	\$16	n/a	\$16			
Training/Sampling				0.00	\$0	n/a	\$0			
Remediation/Disposal				0.00	\$0	n/a	\$0			
Permit Costs				0.00	\$0	n/a	\$0			
Other (as needed)				0.00	\$0	n/a	\$0			
Notes for DELAYED costs	The engineering/construction cost is the estimated cost to construct a sediment basin or install equivalent controls in order to minimize the discharge of sediment from the Site. Date required is the date the violation was initially documented. Final date is the estimated date of compliance. The record keeping system cost is the estimated cost to include the calculations and other applicable information for the sediment basin in the SWP3. Date required is the date the violation was initially documented. Final date is the estimated date of compliance.									
Avoided Costs	ANNU	ALIZE avoided c	osts before er	tering	item (except for	r 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		\$15,250			TOTAL		\$1,374			

		ening Date			Dock	et No. 2019-1404-WQ-E		PCW
			BOYD COUNTRY	ROAD, LLC			Policy	Revision 4 (April 2014)
D		ase ID No.					PCW Re	evision March 26, 2014
Reg.	Ent. Kei		RN110718400 Water Quality					
	Enf. C		Herbert Darling					
		ation Number	6					
		Rule Cite(s)	30 Tex. Admin.			ter Code § 26.121(a)(1), and T	PDES GP	
			Failed to design			II, Section G.4(b) intain pollution prevention meas	sures to	
			_		•	building products, construction		
	Violatio	n Description		•		cides, herbicides, detergents, s lite to precipitation and to storn		
						naterials were located througho		
					Site.			
						Paco	Penalty	\$25,000
						Dase	Penaity_	\$25,000
>> En	vironme	ntal, Propei	ty and Huma		latrix			
		Release	Major	Harm Moderate	Minor			
OR		Actual			х			
		Potential				Percent 5.0%		
>>Pro	aramma	tic Matrix						
110	gramma	Falsification	Major	Moderate	Minor			
						Percent 0.0%		
			., .					
	Matrix				•	ignificant amounts of pollutants vironmental receptors as a resu		
	Notes	not exceed le	reis triat are prot		violation.	vironimental receptors as a rese	are or erre	
		<u> </u>						
						Adjustment	\$23,750	
								\$1,250
Violati	on Even	te.						
Violati	OII EVEII	i.s	_					
		Number of \	/iolation Events	1		Number of violation da	ays	
			daily					
			weekly					
			monthly				_	
			quarterly	Х		Violation Base	Penalty	\$1,250
			semiannual annual					
			single event					
		One quarterly	event is recomn		-	date (June 27, 2019) to the so	creening	
				date (A	ugust 1, 2019).		
Condi	aith Fff	arto to Com	mlar	0.00/			a al	\$0
good F	aith Eff	orts to Com		0.0% efore NOE/NOV N	IOE/NOV to EDPRI	Ro P/Settlement Offer	eduction	\$ U
			Extraordinary					
			Ordinary					
			N/A	Х				
			Notes	The Responder	nt does not me	eet the good faith criteria for		
			Notes		this vio	lation.		
			<u>L</u>				-	
						Violation S	Subtotal	\$1,250
Econor	mic Bene	efit (EB) for	this violatio	n		Statutory Limit	Test	
		Estimate	ed EB Amount		\$91	Violation Final Penal	tv Total □	\$1,313
							_	
				This viola	tion Final Ass	sessed Penalty (adjusted for	r limits)	\$1,313

	E	conomic	Benefit	Wo	rksheet		
Respondent		RY ROAD, LLC					
Case ID No.							
Reg. Ent. Reference No.							
Media Violation No.	Water Quality 6					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		1		1	1	1	
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0 \$0	\$0	\$0
Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Engineering/Construction Land				0.00	\$0	n/a	\$0 \$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$1,000	23-Apr-2019	8-Jul-2020	1.21	\$61	n/a	\$61
Permit Costs	\$17000	25 /\pi 2015	0 30, 2020	0.00	\$0	n/a	\$0
Other (as needed)	\$500	23-Apr-2019	8-Jul-2020	1.21	\$30	n/a	\$30
Notes for DELAYED costs	construction d The other cost Date requ	ebris at the Site. is the estimated ired is the date the	Date required is the estim cost to develop e violation was	is the diated da control initially compli	ate the violation wate of compliance. Is to contain trash documented. Finance.	roperly dispose of the ras initially document and construction maded and construction maded and the last made is the estimation of the stimation and the stimation of the stim	aterials on-site.
Avoided Costs	ANNUA	ALIZE avoided c	osts before er			one-time avoide	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0 \$0	\$0 \$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
Notes for AVOIDED costs		1		0.00	Ι ΨΟ	Ψ0	
Approx. Cost of Compliance		\$1,500			TOTAL		\$91

		ening Date			Dock	cet No. 2019-1404-WQ-E		PCW
		•	BOYD COUNTRY	ROAD, LLC			Policy I	Revision 4 (April 2014)
D		ase ID No.					PCW Re	evision March 26, 2014
Reg.	Ent. Kei		RN110718400 Water Quality					
	Fnf. C		Herbert Darling					
		ation Number						
		Rule Cite(s)	Tex. Water Code	§ 26.121(a)(1), 30 Tex. Ad	min. Code § 305.125(1), and TF	DES GP	
				N	o. TXR15736V	, Part VII.H		
	Violatio	n Description	of this permit th or the environm into an unname	nat has a reas nent. Specifica d tributary of	onable likeliho ally, a large an Walker Creek	ze or prevent any discharge in v od of adversely affecting human nount of sediment had been disc and a downstream pond located nately half of the pond in sedime	health harged on the	
						Base	Penalty	\$25,000
>> Fn	vironme	ntal. Prope	rty and Huma	n Health N	latrix			
, , <u>-</u>		ital, i lope.	cy and mania	Harm	141117			
OR		Release		Moderate	Minor			
UK		Actual Potential		Х		Percent 15.0%		
		rocential				13.070		
>>Pro	gramma	tic Matrix						
		Falsification	Major	Moderate	Minor			
						Percent 0.0%		
		I I				a finant annual of a llutarity of	ملم مامنا	
	Matrix					nificant amounts of pollutants was inificant amounts of pollutants was inificant and a result of the control of		
	Notes	not exceed let	els triat are prote		violation.	ivii o i i i e i e i e i e i e i e i e i e	ic or tire	
						Adjustment	\$21,250	
								\$3,750
							L	ψ3,730
Violati	on Event	ts						
		Number of \	/iolation Events	2		Number of violation da		
		Number of v	Violation Events	2		Number of violation da	195	
			daily weekly monthly quarterly semiannual annual single event	X		Violation Base	Penalty	\$7,500
		Two mon	thly events are re		rom the invest ate (August 1,	igation date (June 27, 2019) to 2019).	the	
Good F	Faith Effo	orts to Com		0.0%			eduction	\$0
			Bef Extraordinary	fore NOE/NOV N	IOE/NOV to EDPR	P/Settlement Offer		
			´ 					
			Ordinary N/A	Х				
			i i					
			Notes	The Responde	nt does not me this vic	eet the good faith criteria for plation.		
						Violation S	ubtotal	\$7,500
Econor	mic Bene	efit (EB) for	this violation	n		Statutory Limit 1	Test	
		Estimate	ed EB Amount		\$2,788	Violation Final Penalt	ty Total	\$7,875
				Th. !				
				This viola	tion Final As	sessed Penalty (adjusted for	limits)	\$7,875

Respondent Case ID No. S8160 Reg. Ent. Reference No. Media Water Quality 7 Percent Interest Percent Interes	Case ID No. Reg. Ent. Reference No. Media	58160 RN110718400 Water Quality						
Case ID No. 58160 Reg. Ent. Reference No. Media Water Quality Violation No. 7	Case ID No. Reg. Ent. Reference No. Media	58160 RN110718400 Water Quality						
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Compliance History Report

Compliance History Report for CN605557354, RN110718400, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or CN605557354, BOYD COUNTRY ROAD, LLC Classification: SATISFACTORY Rating: 9.50

Owner/Operator:

Regulated Entity: RN110718400, ROLLING MEADOWS Classification: SATISFACTORY Rating: 14.00

Complexity Points: 3 Repeat Violator: NO

CH Group: 14 - Other

Location: On the north side of County Road 4680 approximately 0.25 mile east of private road 137 in Boyd, Wise County,

Texas

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

STORMWATER PERMIT TXR15736V

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

Date Compliance History Report Prepared: February 13, 2020

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 13, 2015 to February 13, 2020

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

Name: Herbert Darling Phone: (512) 239-2520

Site and Owner/Operator History:

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

2) Has there been a (known) change in ownership/operator of the site during the compliance period?

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.):

N/A

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

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

1 Date: 05/15/2019 (1558098)

Self Report? NO Classification: Major

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

TXR150000, Part III Sec F(2)(a)(ii) PERMIT

Description: Failure to maintain and or install control measures according to the manufacturer's or

designer's specifications resulted in non-compliance with Title 30 Texas Administrative Code (TAC) Chapter 281.25(a)(4), specifically TXR150000 Part III Section F(2)(a)(ii).

Self Report? NO Classification: Moderate

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

TXR150000, Part III Sec F(7)(b)(i) PERMIT TXR150000, Part III Sec F(7)(b)(vii) PERMIT

Description: Failure to identify and correct all incidents of noncompliance resulted in non-compliance

with Title 30 Texas Administrative Code (TAC) Chapter 281.25(a)(4), specifically

TXR150000 Part III Section F(7)(b)(i and vii).

Self Report? NO Classification: Major

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

TXR150000, Part III Sec F(1)(c) PERMIT

Description: Failure to document the intended schedule or sequence of activities for major portions

of the site resulted in non-compliance with Title 30 Texas Administrative Code (TAC)

Chapter 281.25(a)(4), specifically TXR150000 Part III Section F(1)(c).

Self Report? NO Classification: Moderate

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

TXR150000, Part III Sec F(1)(g)(iii) PERMIT TXR150000, Part III Sec F(1)(g)(vi) PERMIT

Description: Failure to prepare and or maintain a current and complete site map resulted in

non-compliance with Title 30 Texas Administrative Code (TAC) Chapter 281.25(a)(4),

specifically TXR150000 Part III Section F(1)(g)(iii and vi).

Self Report? NO Classification: Major

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

TXR150000, Part III Sec F(2)(c)(i)(A)(1) PERMIT TXR150000, Part III Sec F(2)(c)(i)(A)(3) PERMIT

Description: Failure to properly design, install, or document the use of sediment basin(s) within the

development resulted in non-compliance with Title 30 Texas Administrative Code (TAC) Chapter 281.25(a)(4), specifically TXR150000 Part III Section F(2)(c)(i)(A)(1 and 3).

Self Report? NO Classification: Moderate

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

TXR150000, Part III Sec G(4)(b) PERMIT

Description: Failure to minimize the exposure of building materials and trash resulted in

non-compliance with Title 30 Texas Administrative Code (TAC) Chapter 281.25(a)(4),

specifically TXR150000 Part III Section G(4)(b).

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
BOYD COUNTRY ROAD, LLC;	§	
RN110718400	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2019-1404-WQ-E I. JURISDICTION AND STIPULATIONS

On, the Texas Co	mmission on Environmental Quality
("Commission" or "TCEQ") considered this agreeme	nt of the parties, resolving an enforcement
action regarding BOYD COUNTRY ROAD, LLC ("Res	pondent") under the authority of
TEX. WATER CODE chs. 7 and 26. The Executive Direction	tor of the TCEQ, represented by the Litigation
Division, and Respondent, represented by William I). Farrar, together stipulate that:

- 1. Respondent owns and operates a construction site located on the north side of County Road 4680, approximately 0.25 mile east of Private Road 137 near Boyd, Wise 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. The Executive Director and Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to Tex. Water Code §§ 7.002, 7.051, and 7.073, and that Respondent is subject to the TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to Tex. Water Code § 5.013 because it alleges violations of Tex. Water Code ch. 26 and the rules of the TCEQ.
- 3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 4. An administrative penalty in the amount of twenty thousand two hundred twelve dollars (\$20,212.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid five hundred seventy-seven dollars (\$577.00) of the penalty. The remaining amount of nineteen thousand six hundred thirty-five dollars (\$19.635.00) shall be paid in thirty-five (35) monthly payments of five hundred sixty-one dollars (\$561.00) 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.
- 5. The Executive Director and Respondent agree on a settlement of the matters addressed in this Order, subject to final approval in accordance with 30 Tex. Admin. Code § 70.10(a). Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.

- 6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines Respondent has not complied with one or more of the terms or conditions contained in this Order.
- 7. 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.
- 8. This Order shall terminate five years from its effective date or upon full compliance with all the terms and conditions set forth in this Order, whichever is later.
- 9. The Executive Director recognizes that Respondent implemented the following corrective measures at the Site by October 2, 2020:
 - a. Included a schedule in its Stormwater Pollution Prevention Plan ("SWP3") that provided estimated dates and duration for activities that will disturb the major portions of the Site, such as grading, roads, and stabilization practices (Allegation No. 1.c.); and
 - b. Updated the site map in the SWP3 to reflect and represent the current Site conditions and controls and identify applicable surface waters (Allegation No. 1.d.).

II. ALLEGATIONS

- 1. During an investigation conducted on and around June 27, 2019, an investigator documented that Respondent:
 - a. Failed to install and maintain best management practices ("BMPs") at the Site, in violation of 30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") General Permit ("GP") No. TXR15736V, Part III, Section G.1. Specifically, multiple BMPs were not being maintained and/or utilized correctly;
 - b. Failed to complete any necessary maintenance needed, based on the results of the site inspection, in violation of 30 Tex. Admin. Code § 305.125(1) and TPDES GP No. TXR15736V, Part III, Section F.7(b)(vii). Specifically, the corrective actions recommended in the April 16, 2019, April 23, 2019, and April 30, 2019 site inspections were not completed;
 - c. Failed to include a description of the intended schedule or sequence of activities that will disturb soils for major portions of the Site, including estimated start dates and duration of activities in the SWP3, in violation of 30 Tex. ADMIN. CODE § 305.125(1) and TPDES GP No. TXR15736V, Part III, Section F.1(c);
 - d. Failed to maintain a detailed site map, in violation of 30 Tex. Admin. Code § 305.125(1) and TPDES GP No. TXR15736V, Part III, Sections F.1(g)(iii) and (g)(vi). Specifically, the site map did not represent all the features and/or controls or clearly identify surface waters either at, adjacent, or in close proximity to the Site;
 - e. Failed to construct a sedimentation basin, where feasible, for a common drainage location that serves an area with ten or more acres disturbed at one time, in violation of 30 Tex. ADMIN. CODE § 305.125(1) and TPDES GP No. TXR15736V, Part III, Section F.2(c)(i)(A)(1). Specifically, the pond in the middle of the Site was designated as a sediment basin, but it did not represent a sediment basin as described in the control details portion of the SWP3;
 - f. Failed to design, install, implement, and maintain pollution prevention measures to minimize the exposure of building materials, building products, construction

- wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present at the Site to precipitation and to stormwater, in violation of Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES GP No. TXR15736V, Part III, Section G.4(b). Specifically, trash and other construction materials were located throughout the Site; and
- g. Failed to take all reasonable steps to minimize or prevent any discharge in violation of TPDES GP No. TXR15736V that has a reasonable likelihood of adversely affecting human health or the environment, in violation of Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES GP No. TXR15736V, Part VII, Section H. Specifically, a large amount of sediment had been discharged into an unnamed tributary of Walker Creek and a downstream pond located on the north side of the Site, covering approximately half the pond in sediment.

III. DENIALS

Respondent generally denies each Allegation in Section II.

IV. ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Section I, Paragraph 4. The payment of this penalty and Respondent's compliance with all of the requirements set forth in this Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations not raised here. Penalty payments shall be made payable to TCEQ and shall be sent with the notation "Re: BOYD COUNTRY ROAD, LLC, Docket No. 2019-1404-WO-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 30 days after the effective date of this Order:
 - i. Replace all damaged and ineffective BMPs at the Site, in accordance with TPDES GP No. TXR15736V, Part III, Section G.1 (Allegation No. 1.a.);
 - ii. Implement procedures and conduct employee training to ensure necessary maintenance is completed as suggested in Site inspections to reduce and/or minimize the discharge of pollutants, in accordance with TPDES GP.

 No. TXR15736V, Part III, Section F.7(b)(vii) (Allegation No. 1.b.);
 - iii. Remove and properly dispose of the trash and construction debris at the Site, in accordance with TPDES GP No. TXR15736V, Part III, Section G.4(b) (Allegation No. 1.f.); and
 - iv. Develop controls to contain trash and construction materials on-site (Allegation No. 1.f.).
 - b. Within 45 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 2.f., to demonstrate compliance with Ordering Provisions Nos. 2.a.i. through 2.a.iv.

- c. Within 60 days after the effective date of this Order:
 - i. Construct a sedimentation basin or install equivalent controls to minimize the discharge of sediment from the Site, in accordance with TPDES GP No. TXR15736V, Part III, Section F.2(c)(i)(A)(1) (Allegation No. 1.e.);
 - ii. Include the calculations and other applicable information for the sediment basin in the SWP3, in accordance with TPDES GP No. TXR15736V, Part III, Section F.2(c)(i)(A)(1) (Allegation No. 1.e.); and
 - iii. Make all reasonable efforts, as determined by the Executive Director, to work with the neighboring property owner(s) to remove and properly dispose of the accumulated sediment from the unnamed tributary of Walker Creek, pond, and neighboring property (Allegation No. 1.g.).
- d. Within 75 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 2.f., to demonstrate compliance with Ordering Provisions Nos. 2.c.i. through 2.c.iii.
- e. In lieu of Ordering Provisions Nos. 2.a. through 2.d., within 30 days after the effective date of this Order, Respondent may submit documentation and certification evidencing it has satisfied its obligations under TPDES GP No. TXR15736V, Part II, Section F, to terminate its coverage under the permit, ceased construction activity at the Site, and that coverage under the permit is no longer needed. Such documentation and certification shall be in accordance with Ordering Provision No. 2.f.
- f. The certifications required by these Ordering Provisions 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 based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

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

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

and:

Water Section Manager Dallas/Fort Worth Regional Office Texas Commission on Environmental Quality 2309 Gravel Drive Fort Worth, Texas 76118-6951

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 Order Compliance Team 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 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 the TCEQ under such a statute.
- 8. 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.
- 9. 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
Frint Chanallox	05/23/22
For the Executive Director	Date
attached Order, and I do agre	and understand the attached Order. I am authorized to agree to the et to the terms and conditions specified therein. I further in accepting payment for the penalty amount, is materially relying on
I also understand that failure to timely pay the penalty am	to comply with the Ordering Provisions in this Order and/or failure ount may result in:
 A negative impact on con 	ipliance history;
 Greater scrutiny of any p 	ermit applications;
	e Attorney General's office for contempt, injunctive relief, additional y 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
• The TCEQ seeking other i	relief as authorized by law.
In addition, I understand that criminal prosecution.	Tamps left 19 March 2012
	Date Rece: Ser Date Inged, please check this box and provide the new address below: Hacked Letter