

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 59990
Pikes Peak Energy Services LLC
RN107382350
Docket No. 2021-0038-WQ-E

Page 1 of 2

Order Type:
Agreed Order

Media:
WQ

Small Business:
Yes

Location Where Violations Occurred:
corner of Highway 163 and Highway 137, North of Ozona, Crockett County

Type of Operation:
truck washing facility

Other Significant Matters:

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

Texas Register Publication Date: August 29, 2025

Comments Received: None

Penalty Information

Total Penalty Assessed:	\$26,124
Total Paid to General Revenue:	\$749
Total Due to General Revenue:	\$25,375

Payment Plan: 35 payments of \$725 each

Compliance History Classifications:

- Person/CN – Unsatisfactory
- Site/RN – Unsatisfactory

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date:	N/A
Date of Investigation:	September 4, 2020
Date of NOV:	N/A
Date of NOE:	September 24, 2020

Violation Information

1. Failed to collect and analyze effluent samples at the intervals specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(1) and (5), 319.5(b), and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQG100008, Part III.C.1].
2. Failed to inspect the evaporation pond sides and bottom for signs of erosion and leakage at least once per week [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQG100008, Part III.C.4(g)].
3. Failed to properly measure effluent samples according to the permit [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(b), and TPDES Permit No. WQG100008, Part IV.6(a)].

Corrective Actions/Technical Requirements

Corrective Actions Completed:

None

Technical Requirements:

1. Within 30 days:
 - a. Develop and implement procedures and conduct employee training to ensure samples are collected and analyzed in accordance with permit requirements;
 - b. Collect and analyze effluent samples in accordance with permit requirements;
 - c. Inspect the sides and bottom of the evaporation pond for signs of erosion and leakage; and
 - d. Submit documentation demonstrating that the pH value in the wastewater samples is measured as required within the holding time.
2. Within 45 days submit written certification to demonstrate compliance with Technical Requirement Nos. 1.a. through 1.d.

Litigation Information

Date Petition Filed: April 13, 2023
Date of Service: April 18, 2023
Date Answer Filed: November 22, 2023
SOAH Referral Date: January 11, 2024
Hearing Dates:
 Preliminary hearing: March 28, 2024
 Evidentiary hearing: May 16, 2025.
Settlement Date: June 30, 2025

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) 239-2587
TCEQ Regional Contact: Matthew Perez, San Angelo Regional Office, (325) 655-9479
Respondent Contact: Butch Gonzales, Pikes Peak Energy Services LLC, P.O. Box 2510, Ozona, Texas 76943
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	19-Oct-2020		
	PCW	17-May-2021	Screening	22-Oct-2020
			EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Pikes Peak Energy Services LLC			
Reg. Ent. Ref. No.	RN107382350			
Facility/Site Region	8-San Angelo	Major/Minor Source	Minor	

CASE INFORMATION

Enf./Case ID No.	59990	No. of Violations	3
Docket No.	2021-0038-WQ-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Mark Gamble
		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	\$17,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	30.0%	Adjustment	Subtotals 2, 3, & 7	\$5,100
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Notes	Enhancement for one order containing a denial of liability and for Unsatisfactory Performer Classification.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$4,606	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$5,213	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$22,100
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OTHER FACTORS AS JUSTICE MAY REQUIRE	18.2%	Adjustment	\$4,024
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Enhancement to capture the avoided cost of compliance associated with Violation Nos. 1 and 2.
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Final Penalty Amount	\$26,124
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$26,124
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral not offered for non-expedited settlement.
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PAYABLE PENALTY	\$26,124
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Screening Date	22-Oct-2020	Docket No.	2021-0038-WQ-E	PCW
Respondent	Pikes Peak Energy Services LLC			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	59990			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN107382350			
Media	Water Quality			
Enf. Coordinator	Mark Gamble			

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>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<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) 20%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unsatisfactory Performer

Adjustment Percentage (Subtotal 7) 10%

>> Compliance History Summary

Compliance History Notes

Enhancement for one order containing a denial of liability and for Unsatisfactory Performer Classification.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 30%

Screening Date	22-Oct-2020	Docket No.	2021-0038-WQ-E	PCW
Respondent	Pikes Peak Energy Services LLC	Policy Revision 4 (April 2014) PCW Revision March 26, 2014		
Case ID No.	59990			
Reg. Ent. Reference No.	RN107382350			
Media	Water Quality			
Enf. Coordinator	Mark Gamble			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and (5) and 319.5(b) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQG100008, Part III.C.1			
Violation Description	Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the Respondent did not collect and analyze total suspended solids, pH, and oil and grease for the fourth quarter of 2016 through the second quarter of 2018, the fourth quarter of 2018 through the second quarter of 2019, and the first and second quarters of 2020.			
			Base Penalty	\$25,000
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			
	Potential		x	
			Percent	5.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
				Percent
	0.0%			
Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
			Adjustment	\$23,750
			\$1,250	
Violation Events				
Number of Violation Events		12	Number of violation days	
		1482		
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
			Violation Base Penalty	\$15,000
Twelve single events are recommended, one for each monitoring period.				
Good Faith Efforts to Comply		0.0%	Reduction	
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary			
	N/A	x		
	Notes	The Respondent does not meet the good faith criteria for this violation.		
			Violation Subtotal	\$15,000
Economic Benefit (EB) for this violation Statutory Limit Test				
Estimated EB Amount		\$4,041	Violation Final Penalty Total	
			\$23,051	
This violation Final Assessed Penalty (adjusted for limits)			\$23,051	

Economic Benefit Worksheet

Respondent Pikes Peak Energy Services LLC
Case ID No. 59990
Reg. Ent. Reference No. RN107382350
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
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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	4-Sep-2020	18-Jan-2022	1.37	\$17	n/a	\$17
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

Estimated delayed cost to develop and implement procedures and conduct employee training to ensure samples are collected and analyzed in accordance with permit requirements. The Date Required is the record review date, and the Final Date is the estimated date of compliance.

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	\$3,963	30-Jun-2020	22-Oct-2020	0.31	\$61	\$3,963	\$4,024
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to collect and analyze effluent samples (\$300 per quarter x 12 missed quarters, including calculated accrued interest for the avoided cost). The Date Required is most recent date of noncompliance, and the Final Date is the screening date.

Approx. Cost of Compliance

\$4,213

TOTAL

\$4,041

Screening Date	22-Oct-2020	Docket No.	2021-0038-WQ-E	PCW
Respondent	Pikes Peak Energy Services LLC			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	59990			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN107382350			
Media	Water Quality			
Enf. Coordinator	Mark Gamble			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQG100008, Part III.C.4(g)			
Violation Description	Failed to inspect the evaporation pond sides and bottom for signs of erosion and leakage at least once per week. Specifically, the Respondent failed to conduct and keep records of weekly visual inspections of the evaporation pond.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			
		Major	Moderate	Minor	
	Actual				
	Potential		x		
				Percent	5.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
				Percent	0.0%

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events	1	48	Number of violation days
----------------------------	---	----	--------------------------

	daily				
	weekly				
	monthly				
	quarterly	x			
	semiannual				
	annual				
	single event				

Violation Base Penalty \$1,250

One quarterly event is recommended, calculated from the record review date, September 4, 2020, to the screening date, October 22, 2020.

Good Faith Efforts to Comply

	0.0%				
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer			
	Extraordinary				
	Ordinary				
	N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.				

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Estimated EB Amount	\$565	Statutory Limit Test	
		Violation Final Penalty Total	\$1,921
		This violation Final Assessed Penalty (adjusted for limits)	\$1,921

Economic Benefit Worksheet

Respondent Pikes Peak Energy Services LLC
Case ID No. 59990
Reg. Ent. Reference No. RN107382350
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	14-Feb-2020	18-Jan-2022	1.93	\$48	n/a	\$48

Notes for DELAYED costs

Estimated delayed cost to inspect the sides and bottom of the evaporation pond for signs of erosion and leakage. The Date Required is the investigation date initially documenting the violation, and the Final Date is the estimated date of compliance.

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)	\$500	14-Feb-2020	22-Oct-2020	0.69	\$17	\$500	\$517

Notes for AVOIDED costs

Estimated avoided cost to inspect the sides and bottom of the evaporation pond for signs of erosion and leakage. The Date Required is the investigation date initially documenting the violation, and the Final Date is the screening date.

Approx. Cost of Compliance

\$1,000

TOTAL

\$565

Screening Date	22-Oct-2020	Docket No.	2021-0038-WQ-E	PCW
Respondent	Pikes Peak Energy Services LLC	Policy Revision 4 (April 2014)		
Case ID No.	59990	PCW Revision March 26, 2014		
Reg. Ent. Reference No.	RN107382350			
Media	Water Quality			
Enf. Coordinator	Mark Gamble			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and 319.11(b) and TPDES Permit No. WQG100008, Part IV.6(a)			
Violation Description	Failed to properly measure effluent samples according to the permit. Specifically, the Respondent failed to comply with the hold time procedures for measuring pH in wastewater.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				
	Potential			x	3.0%

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events	1	48	Number of violation days
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daily		Violation Base Penalty	
weekly			
monthly			
quarterly			
semiannual			
annual			
single event	x		

One single event is recommended.

Good Faith Efforts to Comply

	0.0%		Reduction	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary				
N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.			

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Estimated EB Amount	\$0	Statutory Limit Test
		Violation Final Penalty Total
		\$1,153

This violation Final Assessed Penalty (adjusted for limits) \$1,153

Economic Benefit Worksheet

Respondent Pikes Peak Energy Services LLC
Case ID No. 59990
Reg. Ent. Reference No. RN107382350
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost is captured in the Economic Benefit Worksheet for Violation No. 1.

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

\$0

TOTAL

\$0

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 CN604601385, RN107382350, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN604601385, Pikes Peak Energy Services LLC
Classification: UNSATISFACTORY **Rating:** 73.50

Regulated Entity: RN107382350, PIKES PEAK ENERGY SERVICES
Classification: UNSATISFACTORY **Rating:** 147.00

Complexity Points: 0
Repeat Violator: NO

CH Group: 14 - Other

Location: CORNER OF HIGHWAY 163 AND HIGHWAY 137 NORTH OF OZONA, CROCKETT COUNTY, TEXAS

TCEQ Region: REGION 08 - SAN ANGELO

ID Number(s):
WATER QUALITY NON-PERMITTED ID NUMBER R08107382350

Compliance History Period: September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

Date Compliance History Report Prepared: June 04, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 04, 2016 to June 04, 2021

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Mark Gamble **Phone:** (512) 239-2587

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: 03/06/2018 ADMINORDER 2017-0309-WQ-E (1660 Order-Agreed Order With Denial)
- Classification: Moderate
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
- Rqmt Prov: PP. III. B. 2. b. PERMIT
- Description: Failed to provide certification, signed and sealed by a Texas Licensed Professional Engineer, that the completed pond lining and any required underdrain with a leak detection and collection system for the evaporation pond meets applicable requirements.
- Classification: Moderate
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
- Rqmt Prov: PP. III. D. 2. PERMIT
- Description: Failed to develop and maintain a Technical Report onsite and have it readily available for review by authorized TCEQ personnel upon request.
- Classification: Moderate
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
- Rqmt Prov: PP. III. B. 2. d. (3) PERMIT
- Description: Failed to locate an evaporation pond more than 150 feet from the nearest property line.

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.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT
ACTION CONCERNING
PIKES PEAK ENERGY SERVICES LLC;
RN107382350

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER

DOCKET NO. 2021-0038-WQ-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Pikes Peak Energy Services LLC ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent together stipulate that:

1. Respondent owns and operates a truck washing facility located at corner of Highway 163 and Highway 137 North of Ozona, Crockett County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001.
2. The Executive Director and Respondent agree that 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 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 \$26,124 is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid \$749 of the penalty. The remaining amount of \$25,375 shall be paid in 35 monthly payments of \$725 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 that 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.

II. ALLEGATIONS

1. During a record review conducted on September 4, 2020, an investigator documented that Respondent:
 - a. Failed to collect and analyze effluent samples at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (5), 319.5(b), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQG100008, Part III.C.1. Specifically, Respondent did not collect and analyze total suspended solids, pH, and oil and grease for the fourth quarter of 2016 through the second quarter of 2018, the fourth quarter of 2018 through the second quarter of 2019, and the first and second quarters of 2020;
 - b. Failed to inspect the evaporation pond sides and bottom for signs of erosion and leakage at least once per week, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQG100008, Part III.C.4(g). Specifically, Respondent failed to conduct and keep records of weekly visual inspections of the evaporation pond; and
 - c. Failed to properly measure effluent samples according to the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(b), and TPDES Permit No. WQG100008, Part IV.6(a). Specifically, Respondent failed to comply with the holdtime procedures for measuring pH in wastewater.

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 which are not raised here. Penalty payments shall be made payable to TCEQ and shall be sent with the notation "Re: Pikes Peak Energy Services LLC, Docket No. 2021-0038-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 30 days of the effective date of this Order:
 - i. Develop and implement procedures and conduct employee training to ensure samples are collected and analyzed in accordance with permit requirements;

- ii. Collect and analyze effluent samples in accordance with permit requirements;
 - iii. Inspect the sides and bottom of the evaporation pond for signs of erosion and leakage; and
 - iv. Submit documentation demonstrating that the pH value in the wastewater samples is measured as required within the holding time.
- b. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.a.iv. 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, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

and:

Water Section Manager
San Angelo Regional Office
Texas Commission on Environmental Quality
622 South Oakes, Suite K
San Angelo, Texas 76903-7035

- 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 Facility 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.

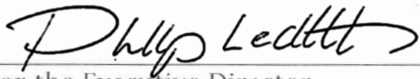
7. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction or of a rule adopted or an order or permit issued 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



September 8, 2025

For the Executive Director

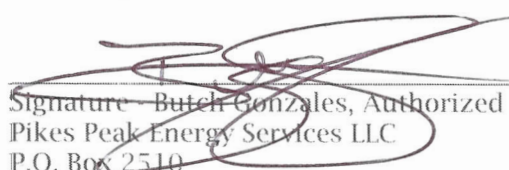
Date

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.



Signature: Butch Gonzales, Authorized Representative
Pikes Peak Energy Services LLC
P.O. Box 2510
Ozona, Texas 76943

Date

6-30-2025

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