Order Type: 1660 Agreed Order **Findings Order Justification:** N/A Media: MLM - EAQ, WQ **Small Business:** Yes Location(s) Where Violation(s) Occurred: FM 1283 Ranch Quarry, located five miles west of Farm-to-Market Road 471 and State Highway 211 on the north side of Farm-to-Market Road 1283, Mico, Medina County **Type of Operation:** Aggregate production operation ("APO") **Other Significant Matters:** Additional Pending Enforcement Actions: No Past-Due Penalties: No Other: N/A Interested Third-Parties: None Texas Register Publication Date: April 14, 2023 Comments Received: No

Penalty Information

Total Penalty Assessed: \$18,675 Amount Deferred for Expedited Settlement: \$3,735 Total Paid to General Revenue: \$940 Total Due to General Revenue: \$14,000 Payment Plan: 14 payments of \$1,000 each Compliance History Classifications: Person/CN - High Site/RN - High Major Source: Yes Statutory Limit Adjustment: N/A Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A Complaint Information: N/A Date(s) of Investigation: March 30, 2021 through June 29, 2021 Date(s) of NOE(s): July 29, 2021

Violation Information

1. Failed to comply with the provisions of the approved Water Pollution Abatement Plan ("WPAP"). Specifically, the earthen berm system surrounding the plant area and quarry pit approved in the WPAP had been constructed with highly erodible pond fines removed during the process water recycling system, berm inspections were not being conducted on a weekly basis, and repairs were not being completed in a timely manner. Additionally, records demonstrating that the quarry operators had undergone annual karst feature recognition training were not being maintained [30 TEX. ADMIN. CODE § 213.4(k) and Edwards Aquifer Protection Plan ("EAPP") ID No. 13-09110601, Standard Conditions No. 2].

2. Failed to obtain approval of a modification to an approved WPAP prior to commencing a regulated activity over the Edwards Aquifer Recharge Zone. Specifically, the project area had been expanded to 53 acres; regulated activity had commenced on nine acres of land identified as undeveloped; the base fueling pad had been expanded to 5.6 acres of impervious cover; office buildings, associated parking, and a haul road had been constructed; the Site's entrance was approximately 2,600 feet east of the approved location; and two on-site septic systems had been installed [30 TEX. ADMIN. CODE § 213.4(j) and EAPP ID No. 13-09110601, Standard Conditions No. 6].

3. Failed to implement all pollution prevention practices that are necessary to protect water quality in the receiving waters. Specifically, the Respondent constructed earthen berms around the process water ponds with highly erodible ponds fines and identified 19 separate noncompliant conditions with the berms concerning erosion and best management practices ("BMPs"). Additionally, the Employee Training Program and Employee Education had not been conducted [30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Multi-Sector General Permit ("MSGP") No. TXR05Z243, Part III, Section A.4(a)(1), (c), (d)(1), and (f)].

4. Failed to conduct inspections of disturbed areas as specified in the permit. Specifically, the Respondent did not certify the non-stormwater discharge inspections for the permitted outfalls, conduct quarterly visual monitoring at the Site entrance, document the name of the inspector on the February 27, 2018 Routine Facility Inspection report, attach summary descriptions of proposed stormwater pollution prevention plan ("SWP3") changes to the Routine Facility Inspection checklists, prepare a signed/certified evaluation report for the Annual Comprehensive Site Compliance Evaluations, and update the SWP3 within 12 weeks of identifying the need for new or replacement BMPs [30 Tex. ADMIN. CODE § 305.125(1) and TPDES MSGP No. TXR05Z243, Part III, Sections B.1(c), B.2(c), B.3, and B.5(c)].

5. Failed to identify and describe all activities and significant materials that may potentially be pollutant sources in the SWP3. Specifically, in the SWP3, the Respondent did not update the Inventory of Exposed Materials within 30 days following a significant change in material management practices that may affect exposure of materials to precipitation or runoff, describe the water recycling system or

acknowledge previous issues with dry-weather flow, and identify exposed drums and other containers. Additionally, the Drainage Area Site Map did not provide details of stormwater flow at the Site entrance, the process wastewater treatment units, or the Sector P retention pond and the direction of flow from it; and did not identify swale structural control and maintenance control areas [30 Tex. ADMIN. CODE § 305.125(1) and TPDES MSGP No. TXR05Z243, Part III, Section A.3(a), (b), and (d)].

6. Failed to establish a Team and identify Team members who will be responsible for developing and revising the SWP3. Specifically, the named Team members were not participating in the inspections, maintenance, monitoring, and training activities required by the MSGP [30 TEX. ADMIN. CODE § 305.125(1) and TPDES MSGP No. TXR05Z243, Part III, Section A.1(a)(5) and A.2].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

i. Develop and implement procedures and conduct employee training to ensure that:

- (1) Annual karst feature recognition training records are properly maintained;
- (2) Berm inspections are conducted on a weekly basis;
- (3) Berm repairs are completed in a timely manner;

(4) The Employee Training Program and Employee Education are properly conducted;

(5) Non-stormwater discharge inspections for the permitted outfalls are properly certified;

(6) Quarterly visual monitoring is conducted at the Site entrance;

(7) Summary descriptions of proposed SWP3 changes are attached to the Routine Facility Inspection checklist that have recommended BMP additions and modifications;

(8) Signed and certified evaluation reports for the Annual Comprehensive Site Compliance Evaluations are properly prepared;

(9) The SWP3 is updated within 12 weeks of identifying the need for new or replacement BMPs; and

(10) Named Team members participate in the inspections, maintenance, monitoring, and training activities by the MSGP.

ii. Update the SWP3 to include:

(1) The name of the investigator on the February 27, 2018 Routine Facility Inspection report;

(2) The updated Inventory of Exposed Materials;

(3) The identified water recycling system, previous issues with dry weather flow, and exposed drums and other containers; and

(4) Details of stormwater flow at the Site entrance, the process wastewater treatment units, and the Sector P retention pond and the direction of flow from it; and the identified swale structural control and maintenance control areas.

iii. Submit a request for a modification of a previously approved WPAP.

b. Within 45 days, submit written certification of compliance with a.i.(1) through (10) and a.ii.(1) through (4).

c. Within 60 days, replace the berms constructed with pond fines with earthen berms composed of compacted soil, and install adequate BMPs to prevent noncompliance conditions.

d. Within 75 days, submit written certification of compliance with c.

e. Within 135 days, submit written certification that approval of the modification of the previously approved WPAP has been obtained.

Contact Information

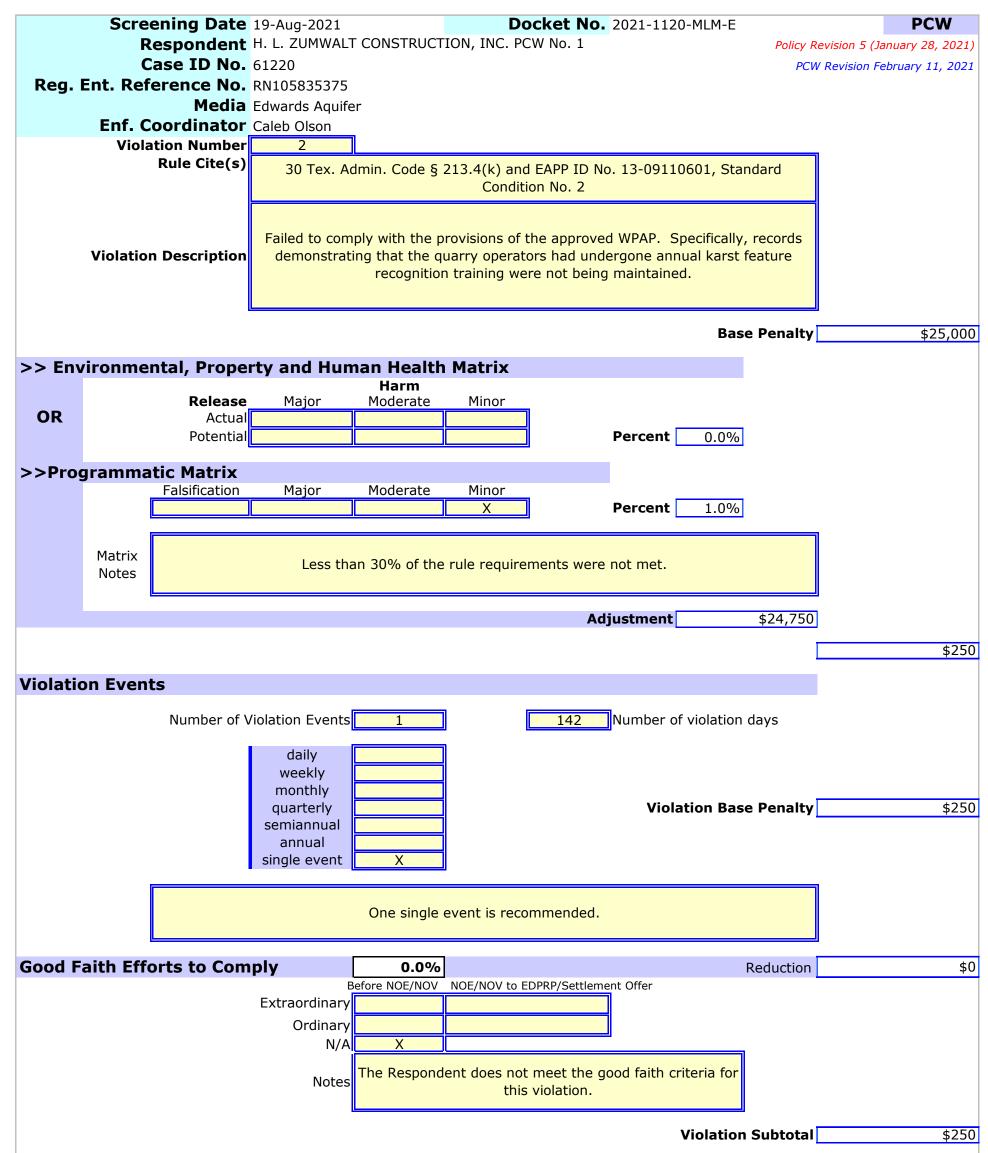
TCEQ Attorney: N/A TCEQ Enforcement Coordinator: Mark Gamble, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-2587; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548 Respondent: Daryl Zumwalt, President, H. L. ZUMWALT CONSTRUCTION, INC., 12354 Farm-to-Market Road 1560 North, Helotes, Texas 78023 Respondent's Attorney: N/A

No COMMISSION	Policy Revi	Pe sion 5 (January 28, 2	•	Iculatio	n Worksh	ieet (PC		vision February 11, 2021
DATES		26-Jul-2021 31-Jan-2022	Screening 1	9-Aug-2021	EPA Due			
DESDO		TY INFORMATIO	-	<u>5 Aug 2021</u>				
	Respondent	H. L. ZUMWALT		N, INC. PCW I	No. 1			
	g. Ent. Ref. No. ty/Site Region				Maior/M	inor Source	Maior	
	NFORMATION				····j···			
	f./Case ID No.				No. o	f Violations		
Mer		2021-1120-MLM Edwards Aquifer			Government	Order Type		
		Water Quality				Coordinator	Caleb Olson	
Adı	min. Penalty \$ I	Limit Minimum	\$0 M	laximum	\$25,000	EC's Team	Enforcement T	eam 1
			Penalty	/ Calcula	tion Sectio	on		
ΤΟΤΑ	L BASE PENA	LTY (Sum of	violation b	ase penalt	ies)		Subtotal 1	\$12,000
ADJU	STMENTS (+)	/-) TO SUBTO	DTAL 1					
	Subtotals 2-7 are ob Compliance His	tained by multiplying	the Total Base Per	nalty (Subtotal 1) - 10.0%	by the indicated pe Adjustment		tals 2, 3, & 7	-\$1,200
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		nalty by the indicated	l percentage.		20.0%	Reduction	Adjustment	-\$2,160
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								<i>40,010</i>

	Screen	ing Date 19-Aug-2021 Docket No. 2021-1120-MLM-E		PCW
		pondent H. L. ZUMWALT CONSTRUCTION, INC. PCW No. 1	Policy Revi	ision 5 (January 28, 2021)
Da		SE ID NO. 61220	PCW R	evision February 11, 2021
ке	g. Ent. Refer	ence No. RN105835375 Media Edwards Aquifer		
	Enf. Coo	ordinator Caleb Olson		
		Compliance History Worksheet		
>> C	ompliance Hist	ory Site Enhancement (Subtotal 2)		
	Component	Number of	Number	Adjust.
	NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
		Other written NOVs	0	0%
		Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
	Judgments	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%
	and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
	Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
	Emissions	Chronic excessive emissions events (number of events)	0	0%
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%
	Addits	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%
		Environmental management systems in place for one year or more	No	0%
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	other	Participation in a voluntary pollution reduction program	No	0%
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
		Adjustment Per	rcentage (Sul	ototal 2) 0%
>> R	epeat Violator			
	No		rcentage (Sul	ototal 3) 0%
>> C		ory Person Classification (Subtotal 7)		
	High Perf		rcentage (Sul	ototal 7) -10%
>> C	ompliance Hist	ory Summary		
	Compliance History Notes	Reduction for High Performer Classification.		
		Total Compliance History Adjustment Percentage (Subtotals 2,	3, & 7) -10%
>> Fin	al Compliance	History Adjustment Final Adjustment Percent	age *canned	at 100% -10%
			age capped	

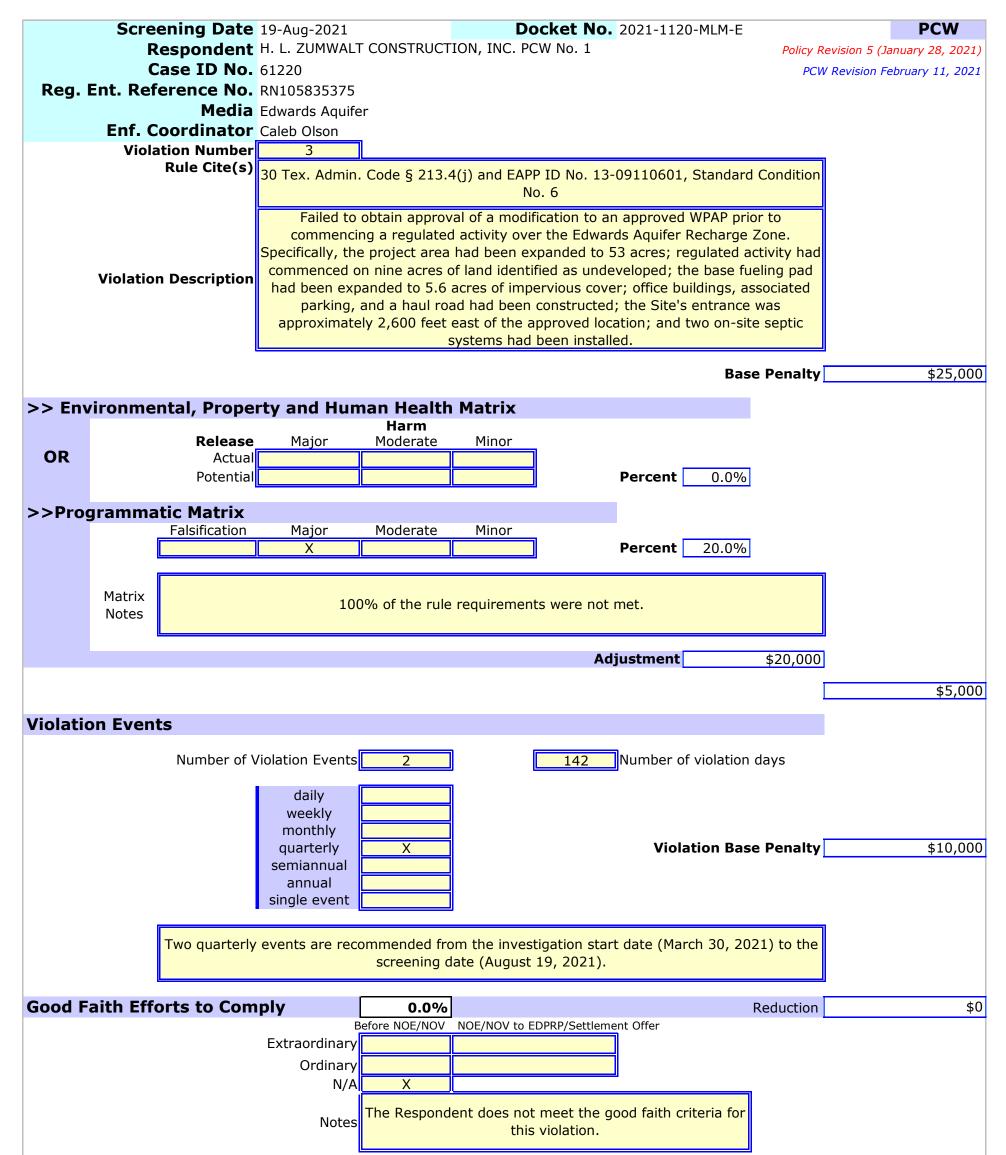
		ate 19-Aug-2021			et No. 2021-1120-MLM-E			PCW
		ent H. L. ZUMWAL	T CONSTRUCT	TION, INC. PCW	No. 1	Policy I	Revision 5 (Ja	nuary 28, 2021)
D	Case ID I					PCI	W Revision Fe	bruary 11, 2021
Reg. I	Ent. Reference I							
	Enf. Coordina	dia Edwards Aquif	er					
	Violation Num		1					
			-	• •	rds Aquifer Protection Plan (ard Conditions No. 2	"EAPP") ID		
	Violation Descript	ion Plan ("WPAP") and quarry pi pond fines ren). Specifically, it approved in moved during being conduct	, the earthen be the WPAP had the process wa	e approved Water Pollution A erm system surrounding the been constructed with highl ter recycling system, berm i basis, and repairs were not nely manner.	plant area y erodible nspections		
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Reg. Ent. Reference No. Media Violation No.	Edwards Aquit					Percent Interest	Years of Depreciation
	-					5.0	-
	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	\$5,000	30-Mar-2021	6-Jul-2022	1.27	\$21	\$423	\$444
Land				0.00	\$0	n/a	\$0
Record Keeping System		20 May 2021	6-Jul-2022	0.00	<u>\$0</u> \$16	n/a	<u>\$0</u> \$16
	- ADEO						4 I D
Training/Sampling	\$250	<u>30-Mar-2021</u>	0-Jui-2022			n/a	
Training/Sampling Remediation/Disposal	<u>\$250</u>	<u>30-Mar-2021</u>	0-Jul-2022	0.00	\$0	n/a	\$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)	Engineering/C	Construction delay arry pit with earth	ed cost is the end of	0.00 0.00 0.00 stimated	\$0 \$0 \$0 I amount to replac	n/a n/a n/a e the berms surrou Date required is the	\$0 \$0 \$0 nding the plan
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Economic Benefit (EB) for this violation	n Statutory Limit Test
Estimated EB Amount	\$0 Violation Final Penalty Total \$22
	This violation Final Assessed Penalty (adjusted for limits) \$22

	E	conomic	Benefit	Wo	rksheet		
Respondent	H. L. ZUMWAL	T CONSTRUCTION	I, INC. PCW No	. 1			
Case ID No.			,				
Reg. Ent. Reference No.							
	Edwards Aquif						Years of
Violation No.						Percent Interest	Depreciation
	2					F 0	
						5.0	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs				_			
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs Other (as needed)				0.00	\$0 \$0	n/a n/a	\$0 \$0
other (as needed)				0.00	3 0	11/ a	3 0
Notes for DELAYED costs		Training/Sam	pling delayed c	ost is ca	aptured in Economi	ic Benefit No. 1.	
Avoided Costs	ANNU	ALIZE avoided co	osts before en	terina	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							
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$0			TOTAL		\$0
	L	Ψ			IUTAL		4 0



	Violation Subtotal \$10,000
Economic Benefit (EB) for this violation	n Statutory Limit Test
Estimated EB Amount	\$239 Violation Final Penalty Total \$9,000
	This violation Final Assessed Penalty (adjusted for limits) \$9,000

		conomic	Benefit	Wor	ksheet		
Respondent	H. L. ZUMWAL	T CONSTRUCTION	N, INC. PCW No	. 1			
Case ID No.							
eg. Ent. Reference No.	RN105835375	5					
	Edwards Aquit					Percent Interest	Years of Depreciation
	-					5.0	
	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	\$3,150	30-Mar-2021	4-Oct-2022	1.52	\$239	n/a	\$239
Other (as needed)				0.00	\$0 Ibmit and obtain a	n/a pproval for a modifi	\$0 cation of a
Notes for DELAYED costs	previously ap	proved WPAP. Dat	te required is th	0.00 Int to su the invest of compl	\$0 Ibmit and obtain a tigation start date liance.	<u>n/a</u> pproval for a modifi . Final date is the a	\$0 cation of a inticipated dat
Notes for DELAYED costs Avoided Costs	previously ap	proved WPAP. Dat	te required is th	0.00 Int to su the invest of compl	\$0 Ibmit and obtain a tigation start date liance. item (except for	n/a pproval for a modifi . Final date is the a one-time avoide	\$0 Ication of a Inticipated dat
Notes for DELAYED costs Avoided Costs Disposal	previously ap	proved WPAP. Dat	te required is th	0.00 Int to sume invest of compl tering 0.00	\$0 Ibmit and obtain a tigation start date liance. item (except for \$0	n/a pproval for a modifi Final date is the a one-time avoide \$0	\$0 cation of a inticipated dat d costs) \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel	previously ap	proved WPAP. Dat	te required is th	0.00 Int to sub of compl tering 0.00	bmit and obtain a tigation start date liance. item (except for \$0 \$0	n/a pproval for a modifi Final date is the a one-time avoide \$0 \$0	\$0 cation of a inticipated dat d costs) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel inspection/Reporting/Sampling	previously ap	proved WPAP. Dat	te required is th	0.00 int to sub- int to sub-	\$0 Ibmit and obtain a tigation start date liance. item (except for \$0 \$0 \$0	n/a pproval for a modifi Final date is the a one-time avoide \$0 \$0 \$0	solution of a cation of a cati
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment	previously ap	proved WPAP. Dat	te required is th	0.00 int to superint of complement intering 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00	ibmit and obtain a tigation start date liance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a pproval for a modifi . Final date is the a one-time avoided \$0 \$0 \$0 \$0 \$0 \$0	cation of a inticipated dat d costs) \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	previously ap	proved WPAP. Dat	te required is th	0.00 int to superint to superin	ibmit and obtain a tigation start date liance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a pproval for a modifi . Final date is the a one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0	cation of a inticipated dat d costs) d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	previously ap	proved WPAP. Dat	te required is th	tering 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	ibmit and obtain a tigation start date liance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a pproval for a modifi . Final date is the a one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	cation of a inticipated dat d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance	previously ap	proved WPAP. Dat	te required is th	0.00 int to superint to superin	ibmit and obtain a tigation start date liance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a pproval for a modifi . Final date is the a one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0	cation of a inticipated dat d costs) d costs) s0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	previously ap	proved WPAP. Dat	te required is th	tering 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	ibmit and obtain a tigation start date liance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a pproval for a modifi . Final date is the a one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	cation of a inticipated dat d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

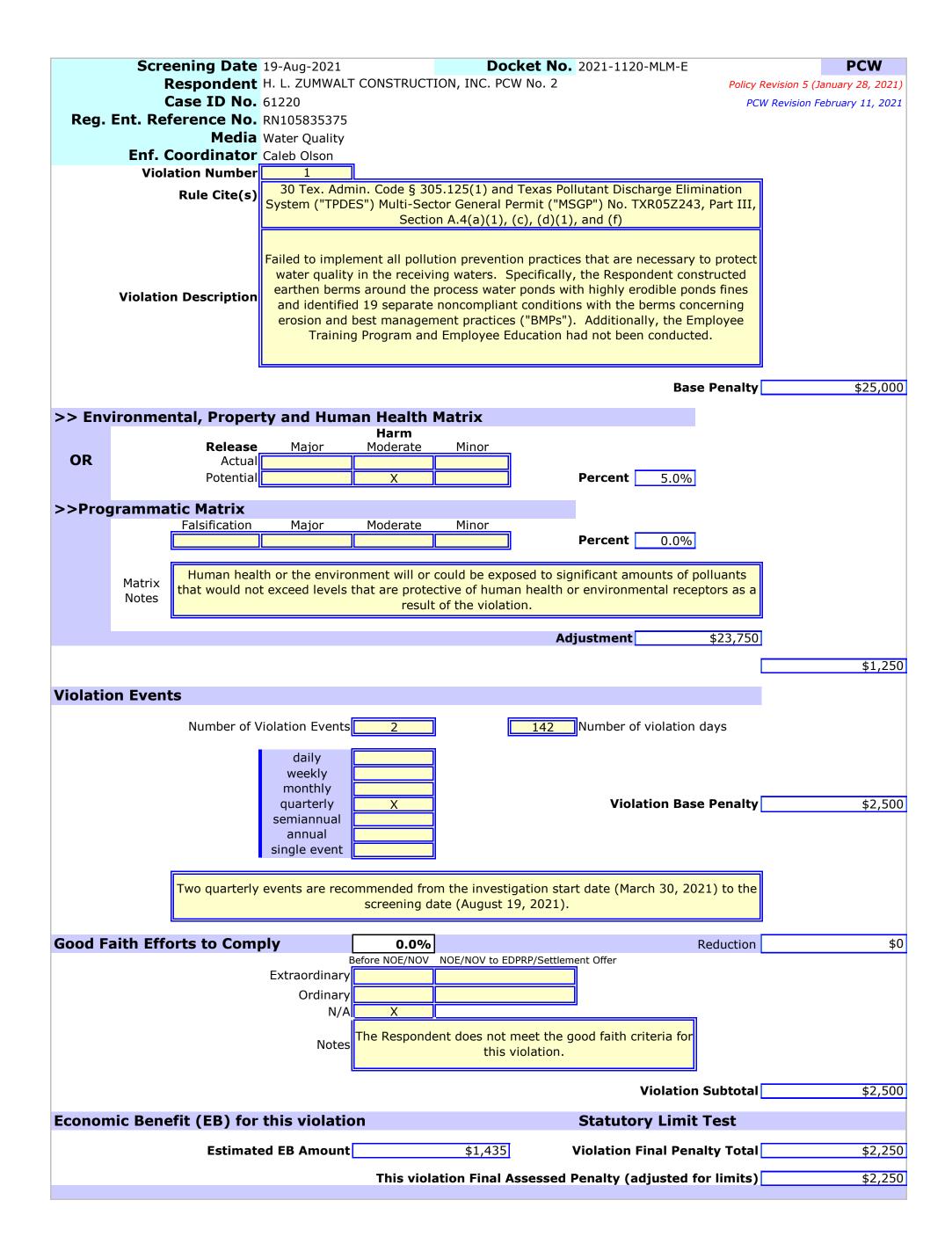
No COMMISSION	Policy Revi	Pe sion 5 (January 28, 2	nalty Calc	culatio	n Worksh	neet (PC	,	vision February .	11, 2021
DATES		26-Jul-2021 31-Jan-2022	Screening 19-	Aug_2021	EPA Due				
DECDO			-	Aug-2021					
	Respondent		ONSTRUCTION,	INC. PCW I	No. 2				
	g. Ent. Ref. No. ty/Site Region				Maior/M	inor Source	Minor		
	NFORMATION								
	f./Case ID No.				No. d	of Violations			
Mer	Docket No. lia Program(s)	2021-1120-MLM- Water Quality	·Е		Government	Order Type /Non-Profit			
		Edwards Aquifer				Coordinator	Caleb Olson	-	
Adı	min. Penalty \$ I	Limit Minimum	\$0 Ma x	kimum	\$25,000	EC's Team	Enforcement T	eam 1	
			Penalty (Calculat	tion Section	on			
ΤΟΤΑ	L BASE PENA	LTY (Sum of	violation bas	e penalt	ies)		Subtotal 1		\$8,750
ADJU	STMENTS (+)	/-) TO SUBTO	DTAL 1						
	Subtotals 2-7 are ob Compliance His		the Total Base Penal	ty (Subtotal 1) -10.0%	by the indicated po Adjustment		tals 2, 3, & 7	[-\$875
	Notes		eduction for High						
	Culpability	No		0.0%	Enhancement		Subtotal 4		\$0
	Notes	The Re	spondent does no	ot meet the	culpability crite	ria.			·
	Good Faith Effe	ort to Comply To	otal Adjustment	s			Subtotal 5		\$0
	Economic Bene	- f it		0.00/	- 1		Subtotal 6		¢0
		Total EB Amounts Cost of Compliance	\$1,453 \$15,525		Enhancement* I at the Total EB \$ A	Amount	Subtotal		\$0
SUM (OF SUBTOTAI	LS 1-7				F	inal Subtotal		\$7,875
OTHE	R FACTORS A	S JUSTICE M	AY REQUIRE		0.0%		Adjustment		\$0
Reduces of	or enhances the Final	Subtotal by the indic	ated percentage.				1		
	Notes								
						Final Per	alty Amount	9	\$7,875
STAT	UTORY LIMIT		IT			Final Asse	ssed Penalty		\$7,875
DEFE	RRAL			[20.0%	Reduction	Adjustment	-9	\$1,575
Reduces t	he Final Assessed Pe	nalty by the indicated	percentage.				1		
	Notes	Ľ	Deferral offered fo	or expedited	l settlement.				
ΡΑΥΑ	BLE PENALT	(\$6,300

Reg	g. Ent. Refer	ence No. RN105835375						
	Enf. Coo	Media Water Quality Ordinator Caleb Olson						
		Compliance History Worksheet						
> Co	ompliance Histo	ory Site Enhancement (Subtotal 2)						
	Component	Number of	Number	Adjust.				
	NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%				
		Other written NOVs 00%						
		Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%				
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%				
	Judgments and Consent	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%				
	Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%				
	Convictions	Any criminal convictions of this state or the federal government (<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 (number of audits for which notices were submitted)	0	0%				
	Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%				
		Environmental management systems in place for one year or more	No	0%				
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%				
	other	Participation in a voluntary pollution reduction program	No	0%				
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%				
		Adjustment Per	centage (Sub	ototal 2) 09				
> Re	epeat Violator ((Subtotal 3)						
	No	Adjustment Per	centage (Sub	ototal 3) 0%				
> Co	_	ory Person Classification (Subtotal 7)						
	High Perf	ormer Adjustment Per	centage (Sub	ototal 7) -10				
> Co	ompliance Histo	ory Summary						
	Compliance History Notes	Reduction for High Performer Classification.						
		Total Compliance History Adjustment Percentage (S	Subtotals 2,	3, & 7) -10				
> Fina	al Compliance	History Adjustment Final Adjustment Percent:	ano *cannod	at 100%				
Final Adjustment Percentage *capped at 100% -10%								

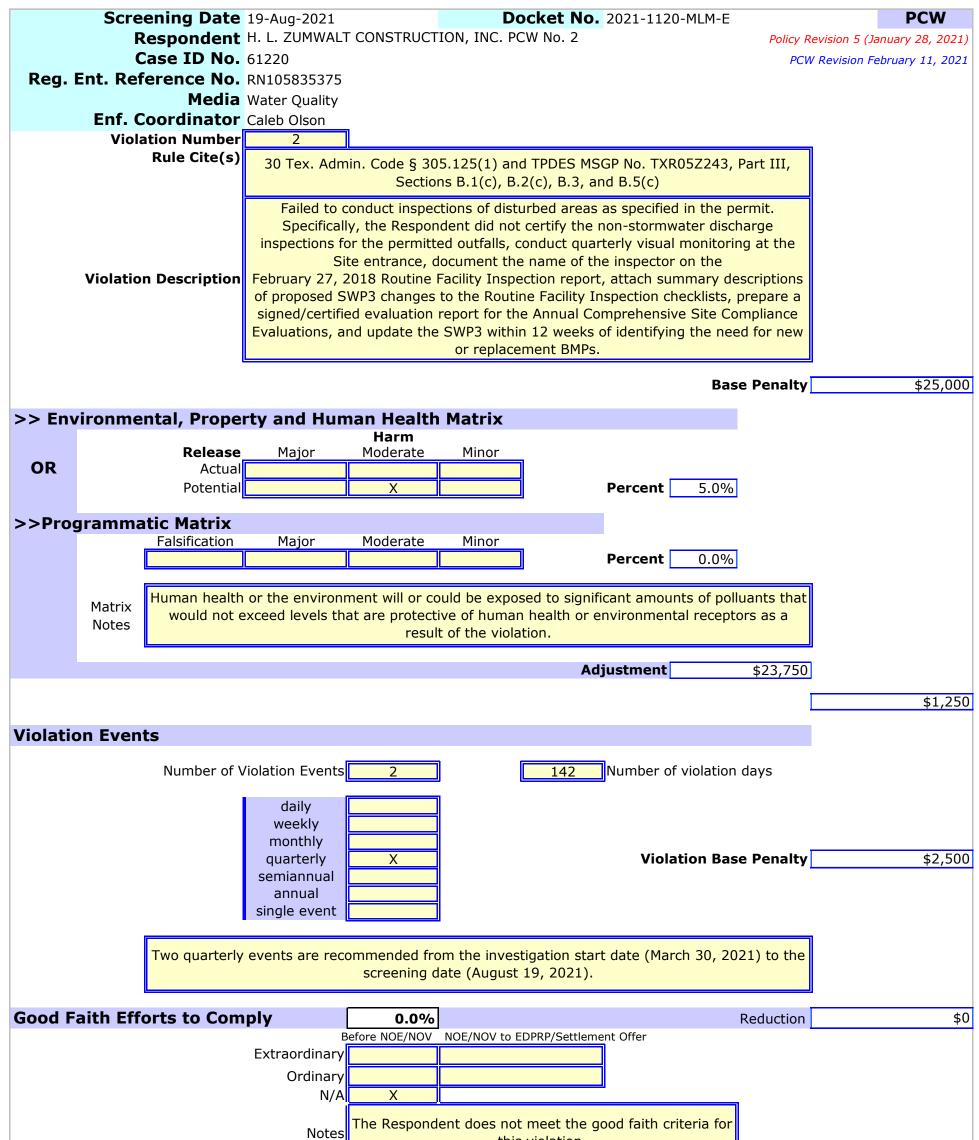
Screening Date 19-Aug-2021 **Respondent** H. L. ZUMWALT CONSTRUCTION, INC. PCW No. 2

Case ID No. 61220

PCW

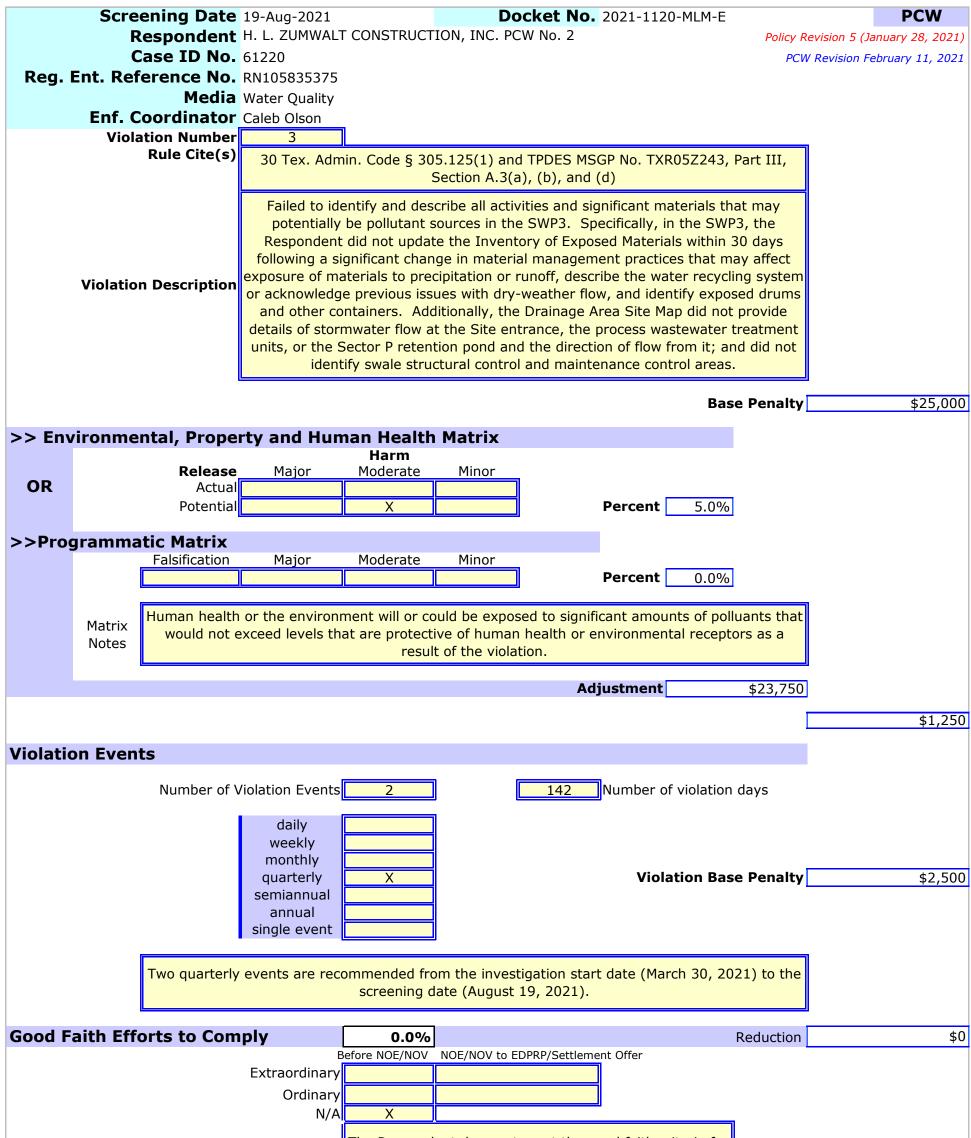


eg. Ent. Reference No. Media Violation No.	Water Quality					Percent Interest	Years of Depreciation
Item Descriptior		Date Required	Final Date	Yrs	Interest Saved	5.0 Costs Saved	1 EB Amount
Delayed Costs	5						
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$15,000	<u>30-Mar-2021</u>	5-Aug-2022	1.35	\$68 ¢0	\$1,351	\$1,419
Land Record Keeping System				0.00	<u>\$0</u> \$0	n/a n/a	<u>\$0</u> \$0
Training/Sampling	\$250	30-Mar-2021	6-Jul-2022	1.27	\$16	n/a	<u> </u>
Remediation/Disposal	<u> </u>		0 941 2022	0.00	\$0	n/a	<u>\$0</u>
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	+0	n/a	\$0
	process water noncompliand Training/S	ponds with earth ce conditions. Dat Gampling delayed o	en berms compo e required is th cost is the estim	e estima osed of e invest of compl nated ar	compacted soil an igation start date. iance. nount to develop a	lace the berms surr d install adequate B Final date is the a and implement proc	ounding the MPs to preven nticipated date edures and
Notes for DELAYED costs	process water noncompliance Training/S conduct em properly co certified; qua stormwater checklists tha the Annual Co 12 weeks of	Sampling delayed of ployee training to onducted; the non- rterly visual monit pollution preventi t have recomment omprehensive Site identifying the nee- ns, maintenance,	en berms compo e required is the cost is the estim ensure that the stormwater dis coring is conduct on plan ("SWP3 ded BMP addition Compliance Eva ed for new or re monitoring, and	e estima osed of e invest of compl nated ar e Employ charge ted at th ") chan ns and aluation placeme d trainin	ted amount to rep compacted soil and igation start date. iance. nount to develop a yee Training Progr inspections for the ne Site entrance; s ges are attached t modifications; sigr s are properly pre ent BMPs; and nar g activities require	lace the berms surr d install adequate B Final date is the an and implement proc am and Employee E e permitted outfalls summary descriptio to the Routine Facili ned/certified evaluat pared; the SWP3 is ned Team members ed by the MSGP. Da	ounding the MPs to preven nticipated date edures and ducation are are properly ns of proposed ty Inspection tion reports fo updated withi participate in ate required is
Notes for DELAYED costs	process water noncompliance Training/S conduct em properly co certified; qua stormwater checklists tha the Annual Co 12 weeks of the inspectio	ponds with earth ce conditions. Dat Sampling delayed of ployee training to onducted; the non- rterly visual monit pollution preventi t have recomment omprehensive Site identifying the nee ns, maintenance, the investigation	en berms compo e required is the cost is the estim ensure that the stormwater dis coring is conduct on plan ("SWP3 ded BMP addition Compliance Eva ed for new or re monitoring, and start date. Fin	e estima osed of e invest of compl nated ar e Employ charge ted at th ") chan ns and aluation placeme d trainin al date	ted amount to rep compacted soil and igation start date. iance. nount to develop a yee Training Progr inspections for the ne Site entrance; s ges are attached t modifications; sigr s are properly pre ent BMPs; and nar g activities require is the anticipated	lace the berms surr d install adequate B Final date is the an and implement proc am and Employee E e permitted outfalls summary descriptio to the Routine Facili ned/certified evaluat pared; the SWP3 is ned Team members ed by the MSGP. Data date of compliance.	rounding the MPs to preven nticipated date edures and iducation are are properly ns of proposed ty Inspection tion reports fo updated within a participate in ate required is
	process water noncompliance Training/S conduct em properly co certified; qua stormwater checklists tha the Annual Co 12 weeks of the inspectio	ponds with earth ce conditions. Dat Sampling delayed of ployee training to onducted; the non- rterly visual monit pollution preventi t have recomment omprehensive Site identifying the nee ns, maintenance, the investigation	en berms compo e required is the cost is the estim ensure that the stormwater dis coring is conduct on plan ("SWP3 ded BMP addition Compliance Eva ed for new or re monitoring, and start date. Fin	e estima osed of e invest of compl nated ar e Employ charge ted at th charge ted at th is and aluation placement d trainin al date tering	ted amount to rep compacted soil and igation start date. iance. nount to develop a yee Training Progr inspections for the ne Site entrance; s ges are attached t modifications; sigr s are properly pre ent BMPs; and nar g activities require is the anticipated item (except for \$0	lace the berms surr d install adequate B Final date is the an and implement proc am and Employee E e permitted outfalls summary descriptio to the Routine Facili hed/certified evaluat pared; the SWP3 is ned Team members ed by the MSGP. Da date of compliance.	ounding the MPs to preven nticipated date edures and ducation are are properly ns of proposed ty Inspection tion reports fo updated within ate required is ate required is d costs)
Notes for DELAYED costs Avoided Costs Disposal Personnel	process water noncompliance Training/S conduct em properly co certified; qua stormwater checklists tha the Annual Co 12 weeks of the inspectio	ponds with earth ce conditions. Dat Sampling delayed of ployee training to onducted; the non- rterly visual monit pollution preventi t have recomment omprehensive Site identifying the nee ns, maintenance, the investigation	en berms compo e required is the cost is the estim ensure that the stormwater dis coring is conduct on plan ("SWP3 ded BMP addition Compliance Eva ed for new or re monitoring, and start date. Fin	e estima osed of e invest of compl nated ar e Employ charge ted at th ") chan ns and aluation placement d trainin al date tering 0.00	ted amount to rep compacted soil and igation start date. iance. nount to develop a yee Training Progr inspections for the ne Site entrance; s ges are attached t modifications; sigr s are properly pre ent BMPs; and nar g activities require is the anticipated item (except for \$0 \$0	lace the berms surr d install adequate B Final date is the an and implement proc am and Employee E e permitted outfalls summary descriptio to the Routine Facili hed/certified evaluat pared; the SWP3 is ned Team members ed by the MSGP. Da date of compliance.	ounding the MPs to preven nticipated date edures and ducation are are properly ns of proposed ty Inspection tion reports fo updated withi ate required is ate required is 1 costs) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling	process water noncompliance Training/S conduct em properly co certified; qua stormwater checklists tha the Annual Co 12 weeks of the inspectio	ponds with earth ce conditions. Dat Sampling delayed of ployee training to onducted; the non- rterly visual monit pollution preventi t have recomment omprehensive Site identifying the nee ns, maintenance, the investigation	en berms compo e required is the cost is the estim ensure that the stormwater dis coring is conduct on plan ("SWP3 ded BMP addition Compliance Eva ed for new or re monitoring, and start date. Fin	e estima osed of e invest of compl nated ar e Employ charge ted at tl or) chan ns and aluation placeme tering 0.00 0.00	ted amount to rep compacted soil and igation start date. iance. nount to develop a yee Training Progr inspections for the ne Site entrance; s ges are attached to modifications; sign s are properly pre ent BMPs; and nar g activities require is the anticipated item (except for \$0 \$0 \$0 \$0	lace the berms surred install adequate B Final date is the and and implement proce am and Employee B e permitted outfalls summary description to the Routine Facilities pared; the SWP3 is ned Team members ad by the MSGP. Date date of compliance.	ounding the MPs to preven nticipated date edures and ducation are are properly ns of proposed ty Inspection tion reports fo updated within ate required is d costs) \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment	process water noncompliance Training/S conduct em properly co certified; qua stormwater checklists tha the Annual Co 12 weeks of the inspectio	ponds with earth ce conditions. Dat Sampling delayed of ployee training to onducted; the non- rterly visual monit pollution preventi t have recomment omprehensive Site identifying the nee ns, maintenance, the investigation	en berms compo e required is the cost is the estim ensure that the stormwater dis coring is conduct on plan ("SWP3 ded BMP addition Compliance Eva ed for new or re monitoring, and start date. Fin	e estima osed of e invest of compl nated ar e Employ charge ted at tl ") chan ns and aluation placeme d trainin al date <u>tering</u> 0.00 0.00 0.00	ted amount to rep compacted soil and igation start date. iance. nount to develop a yee Training Progr inspections for the ne Site entrance; s ges are attached to modifications; sign s are properly pre- ent BMPs; and nar g activities require is the anticipated item (except for \$0 \$0 \$0 \$0 \$0 \$0	lace the berms surred install adequate B Final date is the and and implement proce am and Employee B permitted outfalls summary description to the Routine Facilities pared; the SWP3 is ned Team members ad by the MSGP. Data date of compliance.	ounding the MPs to preven nticipated date edures and ducation are are properly ns of proposed ty Inspection tion reports fo updated within ate required is ate required is 1 costs) \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance	process water noncompliance Training/S conduct em properly co certified; qua stormwater checklists tha the Annual Co 12 weeks of the inspectio	ponds with earth ce conditions. Dat Sampling delayed of ployee training to onducted; the non- rterly visual monit pollution preventi t have recomment omprehensive Site identifying the nee ns, maintenance, the investigation	en berms compo e required is the cost is the estim ensure that the stormwater dis coring is conduct on plan ("SWP3 ded BMP addition Compliance Eva ed for new or re monitoring, and start date. Fin	e estima osed of e invest of compl nated ar e Employ charge ted at tl ") chan placeme a luation placeme trainin al date <u>tering</u> 0.00 0.00 0.00	ted amount to rep compacted soil and igation start date. iance. nount to develop a yee Training Progr inspections for the ne Site entrance; s ges are attached to modifications; sigr s are properly pre- ent BMPs; and nar g activities require is the anticipated item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	lace the berms surred install adequate B Final date is the and and implement proce am and Employee E permitted outfalls summary description to the Routine Facility pared; the SWP3 is ned Team members ad by the MSGP. Date date of compliance.	ounding the MPs to preven nticipated date edures and ducation are are properly ns of proposed ty Inspection tion reports fo updated within participate in ate required is 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment	process water noncompliance Training/S conduct em properly co certified; qua stormwater checklists tha the Annual Co 12 weeks of the inspectio	ponds with earth ce conditions. Dat Sampling delayed of ployee training to onducted; the non- rterly visual monit pollution preventi t have recomment omprehensive Site identifying the nee ns, maintenance, the investigation	en berms compo e required is the cost is the estim ensure that the stormwater dis coring is conduct on plan ("SWP3 ded BMP addition Compliance Eva ed for new or re monitoring, and start date. Fin	e estima osed of e invest of compl nated ar e Employ charge ted at tl ") chan ns and aluation placeme d trainin al date <u>tering</u> 0.00 0.00 0.00	ted amount to rep compacted soil and igation start date. iance. nount to develop a yee Training Progr inspections for the ne Site entrance; s ges are attached to modifications; sign s are properly pre- ent BMPs; and nar g activities require is the anticipated item (except for \$0 \$0 \$0 \$0 \$0 \$0	lace the berms surred install adequate B Final date is the and and implement proce am and Employee B permitted outfalls summary description to the Routine Facilities pared; the SWP3 is ned Team members ad by the MSGP. Data date of compliance.	ounding the MPs to preven nticipated date edures and ducation are are properly ns of proposed ty Inspection tion reports fo updated withi participate in ate required is 1 costs) \$0 \$0 \$0 \$0 \$0



	this violation.	
	Violation	Subtotal \$2,500
Economic Benefit (EB) for this violation	Statutory Limit	t Test
Estimated EB Amount	\$2 Violation Final Pen	alty Total \$2,250
	This violation Final Assessed Penalty (adjusted f	for limits) \$2,250

Reg. Ent. Reference No. Media Violation No.	Water Quality					Percent Interest	Years of Depreciation
						5.0	1!
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delawad Casta							
Delayed Costs		<mark></mark>			±0	#0	<u>+0</u>
Equipment		<u> </u>		0.00	<u>\$0</u> \$0	<u>\$0</u> \$0	<u>\$0</u> \$0
Buildings				0.00	\$0 \$0	\$0 \$0	<u>\$0</u> \$0
Other (as needed) Engineering/Construction				0.00	\$0	\$0 \$0	<u>\$0</u> \$0
Lingineering/construction Land		//		0.00	\$0	n/a	\$0
Record Keeping System	\$25	30-Mar-2021	6-Jul-2022	1.27	\$2	n/a	<u>\$0</u> \$2
Training/Sampling	<u>425</u>		0 501 2022	0.00	\$0	n/a	<u>\$0</u>
Remediation/Disposal		ii		0.00	\$0	n/a	\$0
Permit Costs		ii					\$0
Fermit Costs				0.00	\$0	n/a	D U
Other (as needed)						n/a n/a ent the name of the	\$0 e inspector on
		y 27, 2018 Routir Fi	e Facility Inspe nal date is the a	0.00 timated ction re anticipat	\$0 amount to docum port. Date require red date of complia	n/a ent the name of the d is the investigation ince.	\$0 e inspector on
Other (as needed) Notes for DELAYED costs	the Februar	y 27, 2018 Routir Fi Training/Sam	ne Facility Inspe nal date is the a apling delayed c	timated ction re anticipat	<u>\$0</u> amount to docum port. Date require red date of compliant optured in Econom	n/a ent the name of the d is the investigation once. ic Benefit No. 1.	<u>\$0</u> e inspector on on start date.
Other (as needed)	the Februar	y 27, 2018 Routir Fi Training/Sam	ne Facility Inspe nal date is the a apling delayed c	timated ction re anticipat ost is ca	\$0 amount to docum port. Date require red date of complia aptured in Econom item (except for	n/a ent the name of the ed is the investigation ince. ic Benefit No. 1. one-time avoided	\$0 e inspector on on start date. d costs)
Other (as needed) Notes for DELAYED costs Avoided Costs	the Februar	y 27, 2018 Routir Fi Training/Sam	ne Facility Inspe nal date is the a apling delayed c	timated ction re anticipat	<u>\$0</u> amount to docum port. Date require red date of compliant optured in Econom	n/a ent the name of the d is the investigation once. ic Benefit No. 1.	<u>\$0</u> e inspector on on start date.
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	the Februar	y 27, 2018 Routir Fi Training/Sam	ne Facility Inspe nal date is the a apling delayed c	timated ction re anticipat ost is ca tering 0.00	\$0 amount to docum port. Date require red date of complian aptured in Econom item (except for \$0	n/a ent the name of the ed is the investigation ince. ic Benefit No. 1. one-time avoided \$0	\$0 e inspector on on start date. d costs) \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	the Februar	y 27, 2018 Routir Fi Training/Sam	ne Facility Inspe nal date is the a apling delayed c	timated ction re anticipat ost is ca tering 0.00	\$0 amount to docum port. Date require red date of complia item (except for \$0 \$0 \$0 \$0 \$0	n/a ent the name of the d is the investigation ince. ic Benefit No. 1. one-time avoided \$0 \$0 \$0 \$0 \$0 \$0	\$0 e inspector on on start date. d costs) \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	the Februar	y 27, 2018 Routir Fi Training/Sam	ne Facility Inspe nal date is the a apling delayed c	timated ction re anticipat ost is ca tering 0.00 0.00 0.00 0.00	\$0 amount to docum port. Date require red date of complia ptured in Econom item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a ent the name of the d is the investigation ince. ic Benefit No. 1. one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 e inspector on on start date. d costs) d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment	the Februar	y 27, 2018 Routir Fi Training/Sam	ne Facility Inspe nal date is the a apling delayed c	timated ction re anticipat ost is ca tering 0.00 0.00 0.00 0.00 0.00	\$0 amount to docum port. Date require red date of complian ptured in Econom item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a ent the name of the d is the investigation ance. ic Benefit No. 1. one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 e inspector on on start date. d costs) d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	the Februar	y 27, 2018 Routir Fi Training/Sam	ne Facility Inspe nal date is the a apling delayed c	timated ction re anticipat ost is ca tering 0.00 0.00 0.00 0.00	\$0 amount to docum port. Date require red date of complia ptured in Econom item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a ent the name of the d is the investigation ince. ic Benefit No. 1. one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 e inspector on on start date. d costs) d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0



Notes	he Respondent does not meet the good faith criteria for this violation.	
	Violation Subtotal	\$2,500
Economic Benefit (EB) for this violation	n Statutory Limit Test	
Estimated EB Amount	\$16 Violation Final Penalty Total	\$2,250
	This violation Final Assessed Penalty (adjusted for limits)	\$2,250

			Deneni		rksheet		
Respondent	H. L. ZUMWAL	T CONSTRUCTION	N, INC. PCW No	. 2			
Case ID No.	61220						
leg. Ent. Reference No.	RN105835375						
	Water Quality					Deveent Interest	Years of
Violation No.						Percent Interest	Depreciation
						5.0	- 15
	Item Cost	Date Required	Final Date	Vrc	Interest Saved	Costs Saved	EB Amount
Item Description		Date Required	Fillal Date	115	Interest Saveu	COSIS Saveu	EB Amount
Item Description							
Delayed Costs							
Delayed Costs Equipment		1		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	<u>\$0</u> \$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	-			0.00	\$0	\$0	<u>\$0</u>
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$250	30-Mar-2021	6-Jul-2022	1.27	\$16	n/a	\$16
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
				0.00	\$0	n/a	\$0
Permit Costs		ļ					
Permit Costs Other (as needed)	Inventory of E	xposed Materials;	identify the wa	0.00 timated ter recy	\$0 amount to update cling system, prev	the SWP3 to incluc vious issues with dry	\$0 le the updated y-weather flow,
Other (as needed) Notes for DELAYED costs	Inventory of E and exposed entrance, th flow from it,	xposed Materials; drums and other e process wastew , and identify swa investigation s	identify the wa containers in th ater treatment le structural con tart date. Final	timated ter recy ne SWP3 units, a ntrol and date is	\$0 amount to update voling system, prev 3; and include deta nd the Sector P re d maintenance cor the anticipated da	n/a e the SWP3 to incluc vious issues with dry ails of stormwater fl tention pond and th ntrol areas. Date re ate of compliance.	\$0 le the updated y-weather flow, ow at the Site ne direction of quired is the
Other (as needed) Notes for DELAYED costs Avoided Costs	Inventory of E and exposed entrance, th flow from it,	xposed Materials; drums and other e process wastew , and identify swa investigation s	identify the wa containers in th ater treatment le structural con tart date. Final	timated ter recy a SWP3 units, a atrol and date is	\$0 amount to update vcling system, prev 3; and include deta nd the Sector P re d maintenance cor the anticipated da item (except for	n/a the SWP3 to incluc vious issues with dry ails of stormwater fl tention pond and th ntrol areas. Date re ate of compliance.	\$0 le the updated y-weather flow ow at the Site ne direction of quired is the d costs)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Inventory of E and exposed entrance, th flow from it,	xposed Materials; drums and other e process wastew , and identify swa investigation s	identify the wa containers in th ater treatment le structural con tart date. Final	timated ter recy of SWP3 units, a trol and date is tering 0.00	\$0 amount to update (cling system, prev 3; and include deta nd the Sector P re d maintenance cor the anticipated da item (except for \$0	n/a the SWP3 to includ vious issues with dry ails of stormwater flu- tention pond and th ntrol areas. Date re ate of compliance.	\$0 de the updated y-weather flow ow at the Site direction of quired is the d costs) \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Inventory of E and exposed entrance, th flow from it,	xposed Materials; drums and other e process wastew , and identify swa investigation s	identify the wa containers in th ater treatment le structural con tart date. Final	timated ter recy of SWP3 units, a trol and date is tering 0.00	\$0 amount to update (cling system, prev 3; and include deta nd the Sector P re d maintenance cor the anticipated da item (except for \$0 \$0	the SWP3 to include vious issues with dry ails of stormwater fluct tention pond and the trol areas. Date re- te of compliance.	\$0 le the updated y-weather flow ow at the Site direction of quired is the d costs) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Inventory of E and exposed entrance, th flow from it,	xposed Materials; drums and other e process wastew , and identify swa investigation s	identify the wa containers in th ater treatment le structural con tart date. Final	timated ter recy of SWP3 units, a date is tering 0.00 0.00	\$0 amount to update vcling system, prev 3; and include deta nd the Sector P re d maintenance cor the anticipated da item (except for \$0 \$0 \$0	n/a the SWP3 to includ vious issues with dry ails of stormwater flu- tention pond and the ate of compliance.	\$0 le the updated y-weather flow ow at the Site le direction of quired is the d costs) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment	Inventory of E and exposed entrance, th flow from it,	xposed Materials; drums and other e process wastew , and identify swa investigation s	identify the wa containers in th ater treatment le structural con tart date. Final	timated ter recy of SWP3 units, a trol and date is tering 0.00 0.00 0.00	\$0 amount to update (cling system, prev 3; and include deta nd the Sector P re d maintenance cor the anticipated da item (except for \$0 \$0 \$0 \$0 \$0	n/a the SWP3 to includ vious issues with dry ails of stormwater flu- tention pond and the trol areas. Date re ate of compliance.	\$0 le the updated y-weather flow ow at the Site le direction of quired is the d costs) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	Inventory of E and exposed entrance, th flow from it,	xposed Materials; drums and other e process wastew , and identify swa investigation s	identify the wa containers in th ater treatment le structural con tart date. Final	timated ter recy be SWP3 units, a trol and date is tering 0.00 0.00 0.00 0.00	\$0 amount to update (cling system, prev 3; and include deta nd the Sector P re d maintenance cor the anticipated da item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a the SWP3 to includ vious issues with dry ails of stormwater flucture tention pond and the trol areas. Date re ate of compliance.	\$0 le the updated y-weather flow ow at the Site le direction of quired is the direction of quired is the s0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	Inventory of E and exposed entrance, th flow from it,	xposed Materials; drums and other e process wastew , and identify swa investigation s	identify the wa containers in th ater treatment le structural con tart date. Final	timated ter recy be SWP3 units, a trol and date is tering 0.00 0.00 0.00 0.00 0.00	\$0 amount to update (cling system, prev 3; and include deta nd the Sector P re d maintenance cor the anticipated da item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	the SWP3 to include yious issues with dry ails of stormwater flucture tention pond and the ate of compliance. one-time avoidee \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 le the updated y-weather flow ow at the Site le direction of quired is the d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	Inventory of E and exposed entrance, th flow from it,	xposed Materials; drums and other e process wastew , and identify swa investigation s	identify the wa containers in th ater treatment le structural con tart date. Final	timated ter recy be SWP3 units, a trol and date is tering 0.00 0.00 0.00 0.00	\$0 amount to update (cling system, prev 3; and include deta nd the Sector P re d maintenance cor the anticipated da item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a the SWP3 to includ vious issues with dry ails of stormwater flucture tention pond and the trol areas. Date re ate of compliance.	\$0 le the updated y-weather flow ow at the Site le direction of quired is the direction of quired is the s0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

	Scre	ening Date	19-Aug-2021		D	ocket No.	2021-1120-MLM-E			PCW
			H. L. ZUMWAL	T CONSTRUCT				Policy R	evision 5 (J	anuary 28, 2021)
		Case ID No.						РСИ	Revision F	ebruary 11, 2021
Reg.	Ent. Ref	erence No.	RN105835375							
			Water Quality							
		Coordinator		7						
	Viola	ation Number				TTTTTTTTTTTTTTTTTTTTTTTTTTTTTTTTTTTTTT			1	
		Rule Cite(s)	30 Tex. Adm	nin. Code § 30		d TPDES MSG (a)(5) and A.2	iP No. TXR05Z243, 2	Part III,		
	Violatio	n Description	developing ar	nd revising the	e SWP3. Spe ections, main	ecifically, the i	rs who will be respo named Team memb nitoring, and training	ers were		
							Bas	e Penalty		\$25,000
>> Env	vironme	ntal, Prope	rty and Hun	nan Health	n Matrix					
		Deleges	Majar	Harm	Minor					
OR		Release Actual	,	Moderate	Minor	ח				
		Potential					Percent 0.0%			
_										
>>Pro	gramma	tic Matrix Falsification	Major	Moderate	Minor					
		Faisincation	Major	X	MINO	1	Percent 2.5%			
						1				
	Matrix Notes		Between 70% a	and 30% of th	ne rule requir	rements were	not being met.			
						Adjı	ustment	\$24,375		
										\$625
										φ 0 23
Violatio	on Even	ts								
		Number of \	/iolation Events	2	ח	142	Number of violation	davs		
		Number of V		<u> </u>	J	<u> </u>		uays		
			daily							
			weekly							
			monthly quarterly	Х			Violation Bas	e Penaltv		\$1,250
			semiannual					e i charcy		<i>41/200</i>
			annual							
			single event							
		-								
		i wo quarteriy	events are reco		om the inves date (August	-	date (March 30, 20	21) to the		
Good F	aith Fff	orts to Com	nlv	0.0%	1			Reduction		\$0
Coouli				Before NOE/NOV		DPRP/Settlemen		Reduction		40
			Extraordinary							
			Ordinary							
			N/A	Х			ار ا			
				The Respond	lent does not	t meet the go	od faith criteria for			
			Notes			s violation.				
							Violation	Subtotal		\$1,250

Economic Benefit (EB) for this violation	n Statutory Limit Test
Estimated EB Amount	\$0 Violation Final Penalty Total \$1,125
	This violation Final Assessed Penalty (adjusted for limits) \$1,125

	E	conomic	Benefit	Woi	rksheet		
Respondent Case ID No. Reg. Ent. Reference No.	61220	T CONSTRUCTION	I, INC. PCW No.	2			
	Water Quality					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs				_			
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0 \$0
Remediation/Disposal Permit Costs				0.00	\$0 \$0	n/a	\$0
Other (as needed)				0.00	\$0 \$0	n/a n/a	\$0
Notes for DELAYED costs					aptured in Econom		
Avoided Costs	ANNU	ALIZE avoided co	osts before en			one-time avoided	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/Equipment Financial Assurance				0.00	\$0 \$0	\$0	<u>\$0</u> \$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs		II		0.00	μ ψυ	J O	40
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 CN602748824, RN105835375, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator:	CN602748824, H. L. ZUMWALT CONSTRUCTION, INC.	Classification: HIGH	Rating: 0.00			
Regulated Entity:	RN105835375, FM 1283 RANCH QUARRY	Classification: HIGH	Rating: 0.00			
Complexity Points:	6	Repeat Violator: NO				
CH Group:	04 - Mining					
Location:	Five miles west of Farm-to-Market Road 4 1283 in Mico, Medina County, Texas	71 and State Highway 211 on the	north side of Farm-to-Market Road			
TCEQ Region:	REGION 13 - SAN ANTONIO					
AP0002903	AGGREGATE PRODUCTION OPERATION REGISTRATION EDWARDS AQUIFER PERMIT 13-09110601					
Compliance History Peri	od: September 01, 2016 to August 31, 2	021 Rating Year: 2021	Rating Date: 09/01/2021			
Date Compliance History	y Report Prepared: January 26, 202	2				
Agency Decision Requir	ing Compliance History: Enforceme	nt				
Component Period Selec	cted: January 26, 2017 to January 26, 2	2022				
TCEQ Staff Member to C	ontact for Additional Information	Regarding This Compliance	History.			
Name: Mark Gamble		Phone: (512) 239-25	87			
Site and Owner/Oper	<u>ator History:</u>					
-	nce and/or operation for the full five-year c change in ownership/operator of the site du		YES NO			

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

- A. Final Orders, court judgments, and consent decrees: $_{\mbox{N/A}}$
- **B. Criminal convictions:** N/A
- C. Chronic excessive emissions events: \$N/A\$
- D. The approval dates of investigations (CCEDS Inv. Track. No.): Item 1 August 31, 2018 (1511823)

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): $_{\mbox{N/A}}$
- 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



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IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING H. L. ZUMWALT CONSTRUCTION, INC. RN105835375 **BEFORE THE**

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-1120-MLM-E

I. JURISDICTION AND STIPULATIONS

On _______, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding H. L. ZUMWALT CONSTRUCTION, INC. (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

- 1. The Respondent operates an aggregate production operation located five miles west of Farm-to-Market Road 471 and State Highway 211 on the north side of Farm-to-Market Road 1283 in Mico, Medina 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 the 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 the 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 the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 4. An administrative penalty in the amount of \$18,675 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$940 of the penalty and \$3,735 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order.

The remaining amount of \$14,000 of the undeferred penalty shall be paid in 14 monthly payments of \$1,000 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty amount.

- 5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, 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 the Respondent has not complied with one or more of the terms or conditions 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 compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

During an investigation conducted from March 30, 2021 through June 29, 2021, an investigator documented that the Respondent:

- 1. Failed to comply with the provisions of the approved Water Pollution Abatement Plan ("WPAP"), in violation of 30 TEX. ADMIN. CODE § 213.4(k) and Edwards Aquifer Protection Plan ("EAPP") ID No. 13-09110601, Standard Conditions No. 2. Specifically, the earthen berm system surrounding the plant area and quarry pit approved in the WPAP had been constructed with highly erodible pond fines removed during the process water recycling system, berm inspections were not being conducted on a weekly basis, and repairs were not being completed in a timely manner. Additionally, records demonstrating that the quarry operators had undergone annual karst feature recognition training were not being maintained.
- 2. Failed to obtain approval of a modification to an approved WPAP prior to commencing a regulated activity over the Edwards Aquifer Recharge Zone, in violation of 30 TEX. ADMIN. CODE § 213.4(j) and EAPP ID No. 13-09110601, Standard Conditions No. 6. Specifically, the project area had been expanded to 53 acres; regulated activity had commenced on nine acres of land identified as undeveloped; the base fueling pad had been expanded to 5.6 acres of impervious cover; office buildings, associated parking, and a haul road had been constructed; the Site's entrance was approximately 2,600 feet east of the approved location; and two on-site septic systems had been installed.

- 3. Failed to implement all pollution prevention practices that are necessary to protect water quality in the receiving waters, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Multi-Sector General Permit ("MSGP") No. TXR05Z243, Part III, Section A.4(a)(1), (c), (d)(1), and (f). Specifically, the Respondent constructed earthen berms around the process water ponds with highly erodible ponds fines and identified 19 separate noncompliant conditions with the berms concerning erosion and best management practices ("BMPs"). Additionally, the Employee Training Program and Employee Education had not been conducted.
- 4. Failed to conduct inspections of disturbed areas as specified in the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES MSGP No. TXR05Z243, Part III, Sections B.1(c), B.2(c), B.3, and B.5(c). Specifically, the Respondent did not certify the non-stormwater discharge inspections for the permitted outfalls, conduct quarterly visual monitoring at the Site entrance, document the name of the inspector on the February 27, 2018 Routine Facility Inspection report, attach summary descriptions of proposed stormwater pollution prevention plan ("SWP3") changes to the Routine Facility Inspection checklists, prepare a signed/certified evaluation report for the Annual Comprehensive Site Compliance Evaluations, and update the SWP3 within 12 weeks of identifying the need for new or replacement BMPs.
- 5. Failed to identify and describe all activities and significant materials that may potentially be pollutant sources in the SWP3, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES MSGP No. TXR05Z243, Part III, Section A.3(a), (b), and (d). Specifically, in the SWP3, the Respondent did not update the Inventory of Exposed Materials within 30 days following a significant change in material management practices that may affect exposure of materials to precipitation or runoff, describe the water recycling system or acknowledge previous issues with dry-weather flow, and identify exposed drums and other containers. Additionally, the Drainage Area Site Map did not provide details of stormwater flow at the Site entrance, the process wastewater treatment units, or the Sector P retention pond and the direction of flow from it; and did not identify swale structural control and maintenance control areas.
- 6. Failed to establish a Team and identify Team members who will be responsible for developing and revising the SWP3, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES MSGP No. TXR05Z243, Part III, Section A.1(a)(5) and A.2. Specifically, the named Team members were not participating in the inspections, maintenance, monitoring, and training activities required by the MSGP.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the 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 action 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: H. L. ZUMWALT CONSTRUCTION, INC., Docket No. 2021-1120-MLM-E" to:

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

- 2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Develop and implement procedures and conduct employee training to ensure that:
 - (1) Annual karst feature recognition training records are properly maintained;
 - (2) Berm inspections are conducted on a weekly basis;
 - (3) Berm repairs are completed in a timely manner;
 - (4) The Employee Training Program and Employee Education are properly conducted;
 - (5) Non-stormwater discharge inspections for the permitted outfalls are properly certified;
 - (6) Quarterly visual monitoring is conducted at the Site entrance;
 - (7) Summary descriptions of proposed SWP3 changes are attached to the Routine Facility Inspection checklist that have recommended BMP additions and modifications;
 - (8) Signed and certified evaluation reports for the Annual Comprehensive Site Compliance Evaluations are properly prepared;
 - (9) The SWP3 is updated within 12 weeks of identifying the need for new or replacement BMPs; and
 - (10) Named Team members participate in the inspections, maintenance, monitoring, and training activities by the MSGP.
 - ii. Update the SWP3 to include:

- (1) The name of the investigator on the February 27, 2018 Routine Facility Inspection report;
- (2) The updated Inventory of Exposed Materials;
- (3) The identified water recycling system, previous issues with dry weather flow, and exposed drums and other containers; and
- (4) Details of stormwater flow at the Site entrance, the process wastewater treatment units, and the Sector P retention pond and the direction of flow from it; and the identified swale structural control and maintenance control areas.
- iii. Submit a request for a modification of a previously approved WPAP to:

Edwards Aquifer Protection Program San Antonio Regional Office Texas Commission on Environmental Quality 14250 Judson Road San Antonio, Texas 78233-4480

Respond completely and adequately to all TCEQ requests for additional information within 30 days of such requests, or any other deadline specified in writing.

- b. Within 45 days after the effective date of this Order, submit written certification of compliance with Ordering Provision Nos. 2.a.i(1) through (10) and 2.a.ii(1) through (4), in accordance with Ordering Provision No. 2.f.
- c. Within 60 days after the effective date of this Order, replace the berms constructed with pond fines with earthen berms composed of compacted soil, and install adequate BMPs to prevent noncompliance conditions.
- d. Within 75 days after the effective date of this Order, submit written certification of compliance with Ordering Provision No. 2.c, in accordance with Ordering Provision No. 2.f.
- e. Within 135 days after the effective date of this Order, submit written certification that approval of the modification of the previously approved WPAP has been obtained, in accordance with Ordering Provision No. 2.f.
- f. The written certifications of compliance required by Ordering Provision Nos. 2.b, 2.d, and 2.e shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals

> immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section Manager San Antonio Regional Office Texas Commission on Environmental Quality 14250 Judson Road San Antonio, Texas 78233-4480

- 3. All relief not expressly granted in this Order is denied.
- 4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Site operations referenced in this Order.
- 5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
- 7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

- 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
Curti	5/2/2023
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, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

 $\frac{2/22/23}{\text{Date}}$

Name (Printed or typed) Authorized Representative of H. L. ZUMWALT CONSTRUCTION, INC.

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