

**Executive Summary – Enforcement Matter – Case No. 61288**  
**Concho Valley Crushing, LLC**  
**RN107238438**  
**Docket No. 2021-1172-MLM-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MLM – IHW, MSW, WQ

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

Jenco, located approximately 4.5 miles west of the intersection of U.S. Highway 277 and Farm-to-Market Road 2335, Tom Green 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:** October 14, 2022

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$26,475

**Amount Deferred for Expedited Settlement:** \$5,295

**Total Paid to General Revenue:** \$21,180

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - High

**Major Source:** No

**Statutory Limit Adjustment:** \$11,683

**Applicable Penalty Policy:** January 2021

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** June 2, 2021

**Date(s) of NOE(s):** July 21, 2021

**Executive Summary – Enforcement Matter – Case No. 61288**  
**Concho Valley Crushing, LLC**  
**RN107238438**  
**Docket No. 2021-1172-MLM-E**

***Violation Information***

1. Failed to obtain authorization to discharge stormwater associated with industrial activities. Specifically, the Respondent was performing industrial activities prior to obtaining authorization under Texas Pollutant Discharge Elimination System ("TPDES") Multi-Sector General Permit ("MSGP") No. TXR050000 [30 TEX. ADMIN. CODE § 281.25(a)(4), TEX. WATER CODE § 26.121, and 40 CODE OF FEDERAL REGULATIONS § 122.26(c)].
2. Caused, suffered, allowed, or permitted the collection, handling, storage, processing, or disposal of industrial solid waste ("ISW") in such a manner so as to cause the discharge or imminent threat of discharge of ISW into or adjacent to any water in the state. Specifically, stained soil and gravel surrounding an open bucket of gear lubricant was documented at the southeast area of the Site [30 TEX. ADMIN. CODE § 335.4(1) and TEX. WATER CODE § 26.121(a)(1)].
3. Failed to renew the APO registration annually as regulated activities continue. Specifically, APO Registration No. AP0002681 expired on May 4, 2019, and the Respondent continued to operate [30 TEX. ADMIN. CODE § 342.25(d)].
4. Failed to label or clearly mark containers used to store used oil with the words "Used Oil". Specifically, a cubic storage container containing used oil was not labeled [30 TEX. ADMIN. CODE § 324.6 and 40 CODE OF FEDERAL REGULATIONS § 279.22(c)(1)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective actions:

- a. Registering the Site as an APO and obtaining APO Registration No. AP0003607 by October 1, 2021;
- b. Properly labeling the cubic storage container containing used oil with the words "Used Oil" by November 15, 2021;
- c. Removing and properly disposing of the soil and gravel contaminated with gear lubricant from the Site by January 15, 2022; and
- d. Obtaining authorization to discharge stormwater associated with industrial activities under TPDES MSGP No. TXR05FN88 by February 11, 2022.

**Technical Requirements:**

N/A

**Executive Summary – Enforcement Matter – Case No. 61288**  
**Concho Valley Crushing, LLC**  
**RN107238438**  
**Docket No. 2021-1172-MLM-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Cecilio Banuelos, Enforcement Division,  
Enforcement Team 1, MC 219, (959) 389-7421; Michael Parrish, Enforcement Division,  
MC 219, (512) 239-2548

**Respondent:** David Jensen, Owner, Concho Valley Crushing, LLC, 17 South  
Chadbourne Street, Suite 600, San Angelo, Texas 76903

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	26-Jun-2021			
	<b>PCW</b>	15-Jan-2022	<b>Screening</b>	26-Aug-2021	<b>EPA Due</b>

<b>RESPONDENT/FACILITY INFORMATION</b>					
<b>Respondent</b>	Concho Valley Crushing, LLC				
<b>Reg. Ent. Ref. No.</b>	RN107238438				
<b>Facility/Site Region</b>	8-San Angelo	<b>Major/Minor Source</b>	Minor		

<b>CASE INFORMATION</b>					
<b>Enf./Case ID No.</b>	61288	<b>No. of Violations</b>	1		
<b>Docket No.</b>	2021-1172-MLM-E	<b>Order Type</b>	1660		
<b>Media Program(s)</b>	Aggregate Production Operation	<b>Government/Non-Profit</b>	No		
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Alejandro Laje		
		<b>EC's Team</b>	Enforcement Team 3		
<b>Admin. Penalty \$ Limit Minimum</b>	\$5,000	<b>Maximum</b>	\$20,000	<b>Violation Maximum</b>	\$40,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$2,000
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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.

<b>Compliance History</b>	0.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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Notes: No adjustment for Compliance History.

<b>Culpability</b>	No	0.0%	Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$200
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$1,519  
 Estimated Cost of Compliance: \$1,968  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$1,800
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	84.3%	Adjustment	\$1,517
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost of compliance associated with the violation.

<b>Final Penalty Amount</b>	\$3,317
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$15,000
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Notes: The final assessed penalty has been adjusted to meet the statutory requirements of Tex. Water Code § 28A.102.

<b>DEFERRAL</b>	20.0%	Reduction	Adjustment	-\$3,000
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$12,000
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**Screening Date** 26-Aug-2021

**Docket No.** 2021-1172-MLM-E

**PCW**

**Respondent** Concho Valley Crushing, LLC

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 61288

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN107238438

**Media** Aggregate Production Operation

**Enf. Coordinator** Alejandro Laje

### Compliance History Worksheet

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

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

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

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

No

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

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

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

No adjustment for Compliance History.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 0%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 0%

**Screening Date** 26-Aug-2021  
**Respondent** Concho Valley Crushing, LLC  
**Case ID No.** 61288  
**Reg. Ent. Reference No.** RN107238438  
**Media** Aggregate Production Operation  
**Enf. Coordinator** Alejandro Laje

**Docket No.** 2021-1172-MLM-E

**PCW**

*Policy Revision 5 (January 28, 2021)*

*PCW Revision February 11, 2021*

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code § 342.25(d)

**Violation Description** Failed to renew the aggregate production operation ("APO") registration annually as regulated activities continue. Specifically, APO Registration No. AP0002681 expired on May 4, 2019, and the Respondent continued to operate.

**Base Penalty** \$20,000

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
	X			10.0%

Matrix Notes

100% of the rule requirements were not met.

**Adjustment** \$18,000

\$2,000

**Violation Events**

Number of Violation Events 1      845 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

**Violation Base Penalty** \$2,000

One single event is recommended.

**Good Faith Efforts to Comply**

10.0%

Reduction \$200

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		

Notes

The Respondent achieved compliance on October 1, 2021.

**Violation Subtotal** \$1,800

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$1,519

**Violation Final Penalty Total** \$3,317

**This violation Final Assessed Penalty (adjusted for limits)** \$15,000

# Economic Benefit Worksheet

**Respondent** Concho Valley Crushing, LLC  
**Case ID No.** 61288  
**Reg. Ent. Reference No.** RN107238438  
**Media Violation No.** Aggregate Production Operation  
 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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$474	26-Aug-2021	1-Oct-2021	0.10	\$2	n/a	\$2
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Actual cost to register the Site as an APO and obtain APO Registration No. AP0003607. Date Required is the screening date, and the Final Date is the 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)	\$1,494	4-May-2021	26-Aug-2021	0.31	\$23	\$1,494	\$1,517

**Notes for AVOIDED costs**

Actual cost to register the Site as an APO including the accrued costs and interest of prior periods plus the Item Cost of the current period. Date Required is the end date of the last period, and the Final Date is the screening date.

Approx. Cost of Compliance \$1,968

**TOTAL** \$1,519



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	26-Jul-2021	<b>Screening</b>	26-Aug-2021	<b>EPA Due</b>	
	<b>PCW</b>	15-Jan-2022				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Concho Valley Crushing, LLC
<b>Reg. Ent. Ref. No.</b>	RN107238438
<b>Facility/Site Region</b>	8-San Angelo
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	61288	<b>No. of Violations</b>	1
<b>Docket No.</b>	2021-1172-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Used Oil	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Alejandro Laje
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$1,500
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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.

<b>Compliance History</b>	0.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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Notes: No adjustment for Compliance History.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$150
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$2  
 Estimated Cost of Compliance: \$100  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$1,350
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$1,350
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$1,350
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<b>DEFERRAL</b>	20.0%	Reduction	<b>Adjustment</b>	-\$270
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$1,080
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Screening Date 26-Aug-2021

Docket No. 2021-1172-MLM-E

PCW

Respondent Concho Valley Crushing, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 61288

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN107238438

Media Used Oil

Enf. Coordinator Alejandro Laje

### Compliance History Worksheet

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

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

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

#### >> Repeat Violator (Subtotal 3)

No

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

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

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

#### >> Compliance History Summary

Compliance History Notes

No adjustment for Compliance History.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 0%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 0%

**Screening Date** 26-Aug-2021  
**Respondent** Concho Valley Crushing, LLC  
**Case ID No.** 61288  
**Reg. Ent. Reference No.** RN107238438  
**Media** Used Oil  
**Enf. Coordinator** Alejandro Laje

**Docket No.** 2021-1172-MLM-E

**PCW**

*Policy Revision 5 (January 28, 2021)*

*PCW Revision February 11, 2021*

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code § 324.6 and 40 Code of Federal Regulations § 279.22(c)(1)

**Violation Description** Failed to label or clearly mark containers used to store used oil with the words "Used Oil." Specifically, a cubic storage container containing used oil was not labeled.

**Base Penalty** \$5,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

**>> Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			X		

100% of the rule requirements were not met.

**Adjustment** \$4,500

\$500

**Violation Events**

Number of Violation Events: 3      85 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$1,500

Three monthly events are recommended, calculated from the investigation date (June 2, 2021) to the screening date (August 26, 2021).

**Good Faith Efforts to Comply**

10.0%

Reduction \$150

Before NOE/NOV    NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		X
N/A		

**Notes** The Respondent achieved compliance on November 15, 2021.

**Violation Subtotal** \$1,350

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$2

**Violation Final Penalty Total** \$1,350

**This violation Final Assessed Penalty (adjusted for limits)** \$1,350

# Economic Benefit Worksheet

**Respondent** Concho Valley Crushing, LLC  
**Case ID No.** 61288  
**Reg. Ent. Reference No.** RN107238438  
**Media** Used Oil  
**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				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)	\$100	2-Jun-2021	15-Nov-2021	0.45	\$2	n/a	\$2

**Notes for DELAYED costs**  
 Estimated cost to properly label the cubic storage container containing used oil with the words "Used Oil." Date Required is the investigation date, and the Final Date is the 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)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$100

**TOTAL** \$2



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	26-Jul-2021		
	<b>PCW</b>	15-Jan-2022	<b>Screening</b>	26-Aug-2021
			<b>EPA Due</b>	

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	Concho Valley Crushing, LLC		
<b>Reg. Ent. Ref. No.</b>	RN107238438		
<b>Facility/Site Region</b>	8-San Angelo	<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	61288	<b>No. of Violations</b>	2
<b>Docket No.</b>	2021-1172-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>	Industrial and Hazardous Waste	<b>Enf. Coordinator</b>	Alejandro Laje
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

<b>Penalty Calculation Section</b>	
<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b> \$11,250

<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>	
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	

<b>Compliance History</b>	0.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$0
Notes	No adjustment for Compliance History.		

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
Notes	The Respondent does not meet the culpability criteria.			

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$1,125
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
Total EB Amounts	\$134	*Capped at the Total EB \$ Amount	
Estimated Cost of Compliance	\$4,000		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$10,125
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
Notes	Reduces or enhances the Final Subtotal by the indicated percentage.		
		<b>Final Penalty Amount</b>	\$10,125

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$10,125
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<b>DEFERRAL</b>	20.0%	Reduction	<b>Adjustment</b>	-\$2,025
Notes	Deferral offered for expedited settlement.			

<b>PAYABLE PENALTY</b>	\$8,100
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**Screening Date** 26-Aug-2021

**Docket No.** 2021-1172-MLM-E

**PCW**

**Respondent** Concho Valley Crushing, LLC

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 61288

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN107238438

**Media** Water Quality

**Enf. Coordinator** Alejandro Laje

### Compliance History Worksheet

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

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

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

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

No

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

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

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

No adjustment for Compliance History.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 0%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 0%

**Screening Date** 26-Aug-2021  
**Respondent** Concho Valley Crushing, LLC  
**Case ID No.** 61288  
**Reg. Ent. Reference No.** RN107238438  
**Media** Water Quality  
**Enf. Coordinator** Alejandro Laje

**Docket No.** 2021-1172-MLM-E

**PCW**

*Policy Revision 5 (January 28, 2021)*

*PCW Revision February 11, 2021*

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code § 281.25(a)(4), Tex. Water Code § 26.121, and 40 Code of Federal Regulations § 122.26(c)

**Violation Description**

Failed to obtain authorization to discharge stormwater associated with industrial activities. Specifically, the Respondent was performing industrial activities prior to obtaining authorization under Texas Pollutant Discharge Elimination System ("TPDES") Multi-Sector General Permit ("MSGP") No. TXR050000.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
		X			10.0%

Matrix Notes

100% of the rule requirements were not met.

**Adjustment** \$22,500

\$2,500

**Violation Events**

Number of Violation Events 3      85 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$7,500

Three monthly events are recommended, calculated from the investigation date (June 2, 2021) to the screening date (August 26, 2021).

**Good Faith Efforts to Comply**

10.0%

Reduction \$750

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		

Notes: The Respondent achieved compliance on February 11, 2022.

**Violation Subtotal** \$6,750

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$87

**Violation Final Penalty Total** \$6,750

**This violation Final Assessed Penalty (adjusted for limits)** \$6,750

# Economic Benefit Worksheet

**Respondent** Concho Valley Crushing, LLC  
**Case ID No.** 61288  
**Reg. Ent. Reference No.** RN107238438  
**Media Violation No.** Water Quality  
 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				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	\$2,500	2-Jun-2021	11-Feb-2022	0.70	\$87	n/a	\$87
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 Estimated cost to develop and implement a stormwater pollution prevention plan, submit a Notice of Intent, and obtain authorization to discharge stormwater associated with industrial activities under TPDES MSGP No. TXR050000. Date Required is the investigation date, and the Final Date is the 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)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**  
 (Empty box for notes)

**Approx. Cost of Compliance** \$2,500

**TOTAL** \$87

<b>Screening Date</b>	26-Aug-2021	<b>Docket No.</b>	2021-1172-MLM-E	<b>PCW</b>
<b>Respondent</b>	Concho Valley Crushing, LLC			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	61288			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN107238438			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Alejandro Laje			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

Caused, suffered, allowed, or permitted the collection, handling, storage, processing, or disposal of industrial solid waste ("ISW") in such a manner so as to cause the discharge or imminent threat of discharge of ISW into or adjacent to any water in the state. Specifically, stained soil and gravel surrounding an open bucket of gear lubricant was documented at the southeast area of the Site.

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

**OR**

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="X"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment**

**Violation Events**

Number of Violation Events

Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="text" value="X"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

One quarterly event is recommended, calculated from the investigation date (June 2, 2021) to the screening date (August 26, 2021).

**Good Faith Efforts to Comply**

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input checked="" type="text" value="X"/>
N/A	<input type="text"/>	<input type="text"/>

Notes

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**



# Economic Benefit Worksheet

**Respondent** Concho Valley Crushing, LLC  
**Case ID No.** 61288  
**Reg. Ent. Reference No.** RN107238438  
**Media Violation No.** Water Quality  
 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				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	\$1,500	2-Jun-2021	15-Jan-2022	0.62	\$47	n/a	\$47
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove and properly dispose of the soil and gravel contaminated with gear lubricant located in the southeast area of the Site. Date Required is the investigation date, and the Final Date is the 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)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,500

**TOTAL** \$47

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 CN605020767, RN107238438, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

**Customer, Respondent, or Owner/Operator:** CN605020767, Concho Valley Crushing, LLC  
**Classification:** SATISFACTORY  
**Rating:** 1.00

**Regulated Entity:** RN107238438, JENCO  
**Classification:** HIGH  
**Rating:** 0.00

**Complexity Points:** 3  
**Repeat Violator:** NO

**CH Group:** 14 - Other

**Location:** Approximately 4.5 miles west of the intersection of United States Highway 277 and Farm-to-Market Road 2335 in Tom Green County, Texas

**TCEQ Region:** REGION 08 - SAN ANGELO

## ID Number(s):

**AGGREGATE PRODUCTION OPERATION REGISTRATION**  
AP0003607

**WATER QUALITY NON-PERMITTED ID NUMBER**  
R08107238438

**STORMWATER PERMIT TXR05FN88**

**Compliance History Period:** September 01, 2016 to August 31, 2021  
**Rating Year:** 2021  
**Rating Date:** 09/01/2021

**Date Compliance History Report Prepared:** April 13, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** April 13, 2017 to April 13, 2022

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

**Name:** Alejandro Laje

**Phone:** (512) 239-2547

## Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five-year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

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

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

N/A

### B. Criminal convictions:

N/A

### C. Chronic excessive emissions events:

N/A

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

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  
CONCHO VALLEY  
CRUSHING, LLC  
RN107238438**

§  
§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2021-1172-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 Concho Valley Crushing, LLC (the "Respondent") under the authority of TEX. WATER CODE chs. 7, 26, and 28A and TEX. HEALTH & SAFETY CODE chs. 361 and 371. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, together stipulate that:

1. The Respondent owns and operates an aggregate production operation ("APO") located approximately 4.5 miles west of the intersection of United States Highway 277 and Farm-to-Market Road 2335 in Tom Green County, Texas (the "Site"). The Respondent is a responsible party as defined in TEX. WATER CODE § 28A.001(6), because it is an operator as defined in TEX. WATER CODE § 28A.001(4), of an APO at the Site. Aggregates are being or have been removed from the Site's earth. Therefore, the Site is an APO as defined in TEX. WATER CODE § 28A.001(1). The Site is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5). The Site involves or involved the management of industrial and hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361. The Site involves or involved the management of used oil as defined in TEX. HEALTH & SAFETY CODE ch. 371.
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 chs. 26 and 28A, TEX. HEALTH & SAFETY CODE chs. 361 and 371, 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 \$26,475 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid

\$21,180 of the penalty and \$5,295 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, 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.
9. The Executive Director recognizes that the Respondent implemented the following corrective actions at the Site:
  - a. By registering the Site as an APO and obtaining APO Registration No. AP0003607 by October 1, 2021;
  - b. By properly labeling the cubic storage container containing used oil with the words "Used Oil" by November 15, 2021;
  - c. By removing and properly disposing of the soil and gravel contaminated with gear lubricant from the Site by January 15, 2022; and
  - d. By obtaining authorization to discharge stormwater associated with industrial activities under Texas Pollutant Discharge Elimination System ("TPDES") Multi-Sector General Permit ("MSGP") No. TXR05FN88 by February 11, 2022.

## II. ALLEGATIONS

During an investigation conducted on June 2, 2021, an investigator documented that the Respondent:

1. Failed to obtain authorization to discharge stormwater associated with industrial activities, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4), TEX. WATER CODE § 26.121, and 40 CODE OF FEDERAL REGULATIONS § 122.26(c). Specifically, the Respondent was

performing industrial activities prior to obtaining authorization under TPDES MSGP No. TXR050000.

2. Caused, suffered, allowed, or permitted the collection, handling, storage, processing, or disposal of industrial solid waste ("ISW") in such a manner so as to cause the discharge or imminent threat of discharge of ISW into or adjacent to any water in the state, in violation of 30 TEX. ADMIN. CODE § 335.4(1) and TEX. WATER CODE § 26.121(a)(1). Specifically, stained soil and gravel surrounding an open bucket of gear lubricant was documented at the southeast area of the Site.
3. Failed to renew the APO registration annually as regulated activities continue, in violation of 30 TEX. ADMIN. CODE § 342.25(d). Specifically, APO Registration No. AP0002681 expired on May 4, 2019, and the Respondent continued to operate.
4. Failed to label or clearly mark containers used to store used oil with the words "Used Oil," in violation of 30 TEX. ADMIN. CODE § 324.6 and 40 CODE OF FEDERAL REGULATIONS § 279.22(c)(1). Specifically, a cubic storage container containing used oil was not labeled.

### **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: Concho Valley Crushing, LLC, Docket No. 2021-1172-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. All relief not expressly granted in this Order is denied.
3. 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.
4. 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.

5. 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.
6. 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.
7. 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

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

\_\_\_\_\_  
3/10/2023  
\_\_\_\_\_  
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

\_\_\_\_\_  
2/3/2023  
\_\_\_\_\_  
Date

\_\_\_\_\_  
David Jensen  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Concho Valley Crushing, LLC

\_\_\_\_\_  
owner  
\_\_\_\_\_  
Title

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