

Brooke T. Paup, *Chairwoman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 9, 2025

To: Persons on the Attached Mailing List (Via email only)

Re: Executive Director's Request for Remand regarding a Default Order concerning BRGSSC, LLC; TCEQ Docket No. 2021-1444-EAQ-E

The above-referenced matter is currently scheduled to be considered by the Texas Commission on Environmental Quality at its April 17, 2025, public meeting. However, the Executive Director filed a request to remand this item on April 9, 2025, as the Respondent in this case filed an Answer on April 8, 2025. Pursuant to 30 TAC § 10.4, this matter is hereby remanded to the Executive Director.

If you have any questions about this matter, please contact Dinniah Tadema, Assistant General Counsel at Dinniah.Tadema@tceq.texas.gov.

Respectfully,

A handwritten signature in black ink that reads "Mary Smith".

Mary Smith
General Counsel

Mailing List

Mailing List
BRGSSC, LLC
TCEQ Docket No. 2021-1444-EAQ-E

Gerardo Briseno Richards, Legal Representative
Nick Zapiain, representative of record
BRGSSC, LLC
210/274-0072 FAX 210/519-0080
Zapiain.g@gmail.com

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Michael Parrish
Leslie Gann
Stuart Beckley
Mark Gamble
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Docket Clerk
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Austin, Texas 78711-3087
512/239-3300 FAX 512/239-3311
<https://www.tceq.texas.gov/goto/eFilings>

Ryan Vise
TCEQ External Relations Division MC 118
P.O. Box 13087
Austin, Texas 78711-3087
512/239-0010 FAX 512/239-5000
pep@tceq.texas.gov

TCEQ Interoffice Memorandum

To: Mary Smith, General Counsel
Greg Merrell, Assistant General Counsel

Thru: Anna Treadwell, Senior Attorney
AT Litigation Division

From: *JP* Jennifer Peltier, Staff Attorney
Litigation Division

Date: April 9, 2025

Subject: **Request for Remand**
April 17, 2025 Commission Agenda
Draft Item No. 7 - BRGSSC, LLC
Docket No. 2021-1444-EAQ-E

The Executive Director respectfully requests that the above-referenced item be remanded to the Executive Director. Respondent emailed an answer on April 8, 2025.

Respondent Contact:

Gerardo Briseno Richards, Legal Representative
Nick Zapiain, representative of record
BRGSSC, LLC
Contact information for Nick Zapiain
Phone: 210-274-0072
Fax: 210-519-0080
Email: zapiain.g@gmail.com

Respondent has been notified of this Request for Remand. Please do not hesitate to call me at (512) 239-0544 if you have any questions regarding this matter.

cc: Mark Gramble, Enforcement Coordinator
Joy Thurston-Cook, San Antonio Regional Office
Sheldon Wayne, Office of Public Interest Counsel
Michael Parrish, Enforcement Division
Leslie Gann, Enforcement Division
Stuart Beckley, Enforcement Division
Gill Valls, Office of the General Counsel
Nick Zapiain

**BRGSSC, LLC
RN106475098
Docket No. 2021-1444-EAQ-E**

Order Type:
Default Order

Media:
EAQ

Small Business:
Yes

Location Where Violation Occurred:
south side of Redland Road, approximately 4,200 feet North of Loop 1604, San Antonio, Bexar County

Type of Operation:
commercial property

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

Texas Register Publication Date: March 7, 2025

Comments Received: None

Penalty Information

Total Penalty Assessed: \$7,500

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$7,500

Compliance History Classifications:
Person/CN – High
Site/RN – High

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: January 28, 2021

Investigation Information

Complaint Date: N/A

Dates of Investigation: April 4, 2018; July 12, 2021

Date of NOV: N/A

Date of NOE: July 29, 2021

**BRGSSC, LLC
RN106475098
Docket No. 2021-1444-EAQ-E**

Violation Information

Failed to comply with conditions of an approved Edwards Aquifer Water Pollution Abatement Plan (“WPAP”) modification [30 TEX. ADMIN. CODE § 213.4(k) and Edwards Aquifer (“WPAP”) No. 13-15070301, Permanent Pollution Abatement Measures].

Corrective Actions/Technical Requirements

Corrective Action Completed:

The Executive Director recognizes that Respondent no longer owns or operates the Facility as of October 3, 2022.

Technical Requirements:

None

Litigation Information

Date Petition Filed: October 2, 2024

Date of Service: October 12, 2024

Date Answer Filed: N/A

Contact Information

TCEQ Attorneys: Jennifer Peltier, Litigation Division, (512) 239-3400
Sheldon Wayne, Public Interest Counsel, (512) 239-6363

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

TCEQ Enforcement Coordinator: Mark Gamble, Enforcement Division, (512) 239-2587

TCEQ Regional Contact: Joy Thurston-Cook, San Antonio Regional Office, (210) 490 3096

Respondent Contact: Jorge Mosqueda, BRGSSC, LLC, 17503 La Cantera Parkway, Suite 104-170,
San Antonio, Texas 78257; B Richards Group, Member, BRGSSC, LLC, 19715
Messina, San Antonio, Texas 78258; B Richards Group, Member, BRGSSC, LLC,
20403 Encino Ledge, Unit 591711, San Antonio, Texas 78259

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	11-Oct-2021	Screening	20-Oct-2021	EPA Due	
	PCW	17-Mar-2022				

RESPONDENT/FACILITY INFORMATION

Respondent	BRGSSC, LLC
Reg. Ent. Ref. No.	RN106475098
Facility/Site Region	13-San Antonio
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	61530	No. of Violations	1
Docket No.	2021-1444-EAQ-E	Order Type	1660
Media Program(s)	Edwards Aquifer	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Steven Van Landingham
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
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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.

Compliance History	-10.0%	Adjustment	Subtotals 2, 3, & 7	-\$750
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Notes Reduction for High Performer Classification.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$12,509
Estimated Cost of Compliance \$25,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$6,750
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OTHER FACTORS AS JUSTICE MAY REQUIRE	11.1%	Adjustment	\$750
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Enhancement to offset the reduction for High Performer Classification.

Final Penalty Amount	\$7,500
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,500
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$7,500
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Screening Date	20-Oct-2021	Docket No.	2021-1444-EAQ-E	PCW
Respondent	BRGSSC, LLC			
Case ID No.	61530			
Reg. Ent. Reference No.	RN106475098			
Media	Edwards Aquifer			
Enf. Coordinator	Steven Van Landingham			

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer Classification.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date 20-Oct-2021 Respondent BRGSSC, LLC Case ID No. 61530 Reg. Ent. Reference No. RN106475098 Media Edwards Aquifer Enf. Coordinator Steven Van Landingham Violation Number 1 Rule Cite(s) 30 Tex. Admin. Code § 213.4(k) and Edwards Aquifer Water Pollution Abatement Plan ("WPAP") No. 13-15070301, Permanent Pollution Abatement Measures Violation Description Failed to comply with conditions of an approved Edwards Aquifer WPAP modification. Specifically, a WPAP approved on September 14, 2015 required the construction of a sedimentation/filtration basin to treat stormwater runoff with the creation of a restaurant, and the basin was not created.	Docket No. 2021-1444-EAQ-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>																			
Base Penalty		\$25,000																			
>> Environmental, Property and Human Health Matrix																					
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%;"></td> <td style="width:25%; text-align: center;">Harm</td> <td style="width:25%;"></td> <td style="width:25%;"></td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td style="text-align: center;">x</td> <td></td> <td></td> </tr> </table>		Harm			Release	Major	Moderate	Minor	Actual				Potential	x			Percent 15.0%			
		Harm																			
Release	Major	Moderate	Minor																		
Actual																					
Potential	x																				
>> Programmatic Matrix																					
Matrix Notes	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%;"></td> <td style="width:25%; text-align: center;">Falsification</td> <td style="width:25%;"></td> <td style="width:25%;"></td> </tr> <tr> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>		Falsification			Major	Moderate	Minor				Percent 0.0%									
		Falsification																			
Major	Moderate	Minor																			
Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.		Adjustment \$21,250																			
		\$3,750																			
Violation Events																					
Number of Violation Events 2 100 Number of violation days																					
<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:15%;">daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td style="text-align: center;">x</td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		weekly		monthly		quarterly	x	semiannual		annual		single event		Violation Base Penalty \$7,500						
daily																					
weekly																					
monthly																					
quarterly	x																				
semiannual																					
annual																					
single event																					
Two quarterly events are recommended from the July 12, 2021 record review date to the October 20, 2021 screening date.																					
Good Faith Efforts to Comply		Reduction \$0																			
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%;"></td> <td style="width:25%; text-align: center;">0.0%</td> <td style="width:25%;"></td> <td style="width:25%;"></td> </tr> <tr> <td></td> <td style="text-align: center;">Before NOE/NOV</td> <td style="text-align: center;">NOE/NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td style="text-align: center;">Extraordinary</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">N/A</td> <td style="text-align: center;">x</td> <td></td> </tr> <tr> <td style="text-align: center;">Notes</td> <td colspan="2" style="border: 1px solid black; padding: 5px;">The Respondent does not meet the good faith criteria for this violation.</td> </tr> </table>			0.0%				Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Extraordinary			Ordinary			N/A	x		Notes	The Respondent does not meet the good faith criteria for this violation.		
	0.0%																				
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer																			
Extraordinary																					
Ordinary																					
N/A	x																				
Notes	The Respondent does not meet the good faith criteria for this violation.																				
Violation Subtotal		\$7,500																			
Economic Benefit (EB) for this violation		Statutory Limit Test																			
Estimated EB Amount	\$12,509	Violation Final Penalty Total \$7,500																			
This violation Final Assessed Penalty (adjusted for limits)		\$7,500																			

Economic Benefit Worksheet

Respondent BRGSSC, LLC
Case ID No. 61530
Reg. Ent. Reference No. RN106475098
Media Edwards Aquifer
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	\$25,000	14-Sep-2015	5-Nov-2022	7.15	\$596	\$11,913	\$12,509
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated Engineering/Construction cost to construct a sedimentation/filtration basin. The Date Required is the WPAP approval date, and the Final Date is the esimated 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	\$25,000	TOTAL	\$12,509
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Compliance History Report

Compliance History Report for CN604880484, RN106475098, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator:	CN604880484, BRGSSC, LLC	Classification:	HIGH	Rating:	0.00
Regulated Entity:	RN106475098, THE POD	Classification:	HIGH	Rating:	0.00
Complexity Points:	4	Repeat Violator:	NO		
CH Group:	14 - Other				
Location:	located on the south side of Redland Road, approximately 4,200 feet north of Loop 1604 in San Antonio, Bexar County, Texas				
TCEQ Region:	REGION 13 - SAN ANTONIO				
ID Number(s):					
EDWARDS AQUIFER PERMIT 13-12071901	EDWARDS AQUIFER PERMIT 13-15070301				
Compliance History Period:	September 01, 2016 to August 31, 2021	Rating Year:	2021	Rating Date:	09/01/2021
Date Compliance History Report Prepared:	March 17, 2022				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	March 17, 2017 to March 17, 2022				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Steven Van Landingham		Phone:	(512) 239-5717	

Site and Owner/Operator History:

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

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

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
BRGSSC, LLC;
RN106475098

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

DEFAULT ORDER

DOCKET NO. 2021-1444-EAQ-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition, filed pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty. The respondent made the subject of this Order is BRGSSC, LLC ("Respondent").

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

FINDINGS OF FACT

1. Respondent owned and operated a commercial property located on the south side of Redland Road, approximately 4,200 feet North of Loop 1604 in San Antonio, Bexar County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001.
2. During an investigation conducted on April 4, 2018, and a record review conducted on July 12, 2021, an investigator documented that Respondent failed to comply with conditions of an approved Edwards Aquifer Water Pollution Abatement Plan ("WPAP") modification. Specifically, a WPAP approved on September 14, 2015 required the construction of a sedimentation/filtration basin to treat stormwater runoff with the creation of a restaurant, and the basin was not constructed.
3. The Executive Director recognizes that Respondent no longer owns or operates the Facility as of October 3, 2022.
4. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against BRGSSC, LLC" (the "EDPRP") in the TCEQ Chief Clerk's office on October 2, 2024.
5. By letter dated October 2, 2024, sent to Respondent's last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on October 12, 2024, as evidenced by the signature on the card.
6. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, Respondent failed to comply with conditions of an approved Edwards Aquifer WPAP modification, in violation of 30 TEX. ADMIN. CODE § 213.4(k) and Edwards Aquifer WPAP No. 13-15070301, Permanent Pollution Abatement Measures.

3. As evidenced by Findings of Fact Nos. 4 and 5, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(b)(1).
4. As evidenced by Finding of Fact No. 6, Respondent failed to file a timely answer as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of \$7,500 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
7. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of \$7,500 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here.
2. The penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to TCEQ and shall be sent with the notation "Re: BRGSSC, LLC; Docket No. 2021-1444-EAQ-E" to:

Financial Administration Division
Revenue Operations Section
Texas Commission on Environmental Quality
Attention: Cashier's Office, MC 214
P.O. Box 13088
Austin, Texas 78711-3088
3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Respondent.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
8. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
9. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
10. The Chief Clerk shall provide a copy of this fully executed Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

S I G N A T U R E P A G E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



UNSWORN DECLARATION OF JENNIFER PELTIER

"On behalf of the Executive Director of the Texas Commission on Environmental Quality, the 'Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against BRGSSC, LLC' (the "EDPRP") was filed in the TCEQ Chief Clerk's office on October 2, 2024.

The EDPRP was mailed to Respondent's last known address on October 2, 2024, via certified mail, return receipt requested, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on October 12, 2024, as evidenced by the signature on the card.

More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing."

"My name is Jennifer Peltier, and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct."

Executed in Travis County,

State of Texas,

on the 13th day of February 2025

A handwritten signature in cursive script, appearing to read "J Peltier", written in black ink.

Declarant