Executive Summary - Enforcement Matter - Case No. 61653 LEASE BUILDERS, L.L.C. RN102343373 Docket No. 2021-1568-MWD-E

Order Type: 1660 Agreed Order **Findings Order Justification:** N/A Media: MWD **Small Business:** Yes Location(s) Where Violation(s) Occurred: Northwinds Plant, located approximately 100 feet south of the end of Northwinds Drive, approximately 1,700 feet south of the intersection of Northwinds Drive and Farm-to-Market Road 529, Houston, Harris County **Type of Operation:** Wastewater treatment facility **Other Significant Matters:** Additional Pending Enforcement Actions: No Past-Due Penalties: No Other: N/A Interested Third-Parties: None Texas Register Publication Date: March 24, 2023 Comments Received: No

Penalty Information

Total Penalty Assessed: \$12,750 Amount Deferred for Expedited Settlement: \$2,550 Total Paid to General Revenue: \$10,200 Total Due to General Revenue: \$0 Payment Plan: N/A Compliance History Classifications: Person/CN - Satisfactory Site/RN - Satisfactory Major Source: No 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: September 23, 2021 Date(s) of NOE(s): November 22, 2021

Executive Summary – Enforcement Matter – Case No. 61653 LEASE BUILDERS, L.L.C. RN102343373 Docket No. 2021-1568-MWD-E

Violation Information

Failed to comply with permitted effluent limitations for daily average flow, ammonia nitrogen, total suspended solids, and carbonaceous biochemical oxygen demand (5-day) [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0012830001, Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

a. By September 30, 2021, achieved compliance with the permitted effluent limitations; and

b. By October 28, 2021, ceased ownership of the Facility.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Cecilio Banuelos, Enforcement Division, Enforcement Team 1, MC R-15, (956) 389-7421; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548 **Respondent:** James W. Robinson, President, LEASE BUILDERS, L.L.C., 305 Timber Grove Place, Friendswood, Texas 77546 Jeff Robinson, Representative, LEASE BUILDERS, L.L.C., 305 Timber Grove Place, Friendswood, Texas 77546 **Respondent's Attorney:** N/A

STATE OF THE STATE	Penalty Calculation Worksheet (PCW) Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021								
DATES	Assigned		- · -				1		
	PCW	7-Dec-2021	Screening 6-	Dec-2021	EPA Due				
RESPO		TY INFORMATIO							
Red	g. Ent. Ref. No.	LEASE BUILDERS	5, L.L.C.						
	ty/Site Region				Major/M	linor Source	Minor		
CACET	NFORMATION								
	f./Case ID No.	61653			No. c	of Violations	1		
		2021-1568-MWD)-Е			Order Type			
Mec	lia Program(s)				Government				
	Multi-Media				Enf.		Cecilio Banuel Enforcement 1		
Adı	min. Penalty \$ I	_imit Minimum[\$0 Ma :	ximum	\$25,000	EC S Team	Enforcement		
			Penalty	Calcula	tion Section	on			
ΤΟΤΑ	L BASE PENA	LTY (Sum of	violation bas				Subtotal 1	\$1!	5,000
	STMENTS (+	/-) TO SUBTO	ται 1						
ADJO.	Subtotals 2-7 are ob	tained by multiplying	the Total Base Penal	ty (Subtotal 1) by the indicated p	ercentage.			
	Compliance Hi			10.0%			tals 2, 3, & 7	\$1	1,500
	Notes	Enhancemer	nt for two months	s of self-rep	orted effluent v	iolations.			
	Culpability	No		0.0%	Enhancement		Subtotal 4		\$0
	Notes	The Re	spondent does no	ot meet the	culpability crite	eria.			
	Good Faith Effe	ort to Comply T	otal Adjustmen	ts			Subtotal 5	-\$3	3,750
	Economic Bene	efit		0.0%	Enhancement*		Subtotal 6		\$0
		Total EB Amounts Cost of Compliance	\$875 \$15,000	*Cappe	d at the Total EB \$ /	Amount			
SUM C	OF SUBTOTAL	LS 1-7				E	inal Subtotal	\$12	2,750
OTHE	R FACTORS	S JUSTICE M	IAY REQUIRE		0.0%		Adjustment		\$0
		Subtotal by the indic			0.070		Aujustinent		Ψ
	Notes								
						Final Pen	alty Amount	\$12	2,750
STAT	JTORY LIMIT		IT			Final Asse	ssed Penalty	\$12	2,750
DEFE					20.0%	Reduction	Adjustment	-\$2	2,550
Reduces t	he Final Assessed Pe	nalty by the indicated	l percentage.				1		
	Notes	Γ	Deferral offered fo	or expedite	d settlement.				
PAYA	BLE PENALT	(\$10	0,200

	Screening Date 6-Dec-2021 Docket No. 2021-1568-MWD-E PCW						
			pondent LEASE BUILDERS, L.L.C.	Policy Revis	sion 5 (January	/ 28, 2021)	
	_		e ID No. 61653	PCW Re	evision Februar	y 11, 2021	
	Reg	. Ent. Refer	ence No. RN102343373				
		Enf Coo	Media Water Quality ordinator Cecilio Banuelos				
~~	Co	malianco Hist	Compliance History Worksheet				
//	CO	Component	ory <i>Site</i> Enhancement (Subtotal 2) 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>)	2	10%		
			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	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	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)	10%	
>>	Re	peat Violator (
		No	Adjustment Per	centage (Sub	ototal 3)	0%	
>>	Co	mpliance Histo	bry Person Classification (Subtotal 7)				
		Satisfactory I		centage (Sub	ototal 7)	0%	
>>	Co	mpliance Histo	bry Summary				
		Compliance History Notes	Enhancement for two months of self-reported effluent violations.				
			Total Compliance History Adjustment Percentage (S	Subtotals 2,	3, & 7)	10%	
>>	Fina	I Compliance	History Adjustment Final Adjustment Percent	ade *canned	at 100%	10%	
				-ge capped		-0/0	

Scre	ening Date	6-Dec-2021		Do	cket No. 2021-1568-M	1WD-E	PCW
	•	LEASE BUILDER	S, L.L.C.			Policy	Revision 5 (January 28, 2021)
	ase ID No.					PC	W Revision February 11, 2021
Reg. Ent. Ref		RN102343373 Water Quality					
Enf. C		Cecilio Banuelos	S				
	tion Number		5				
	Rule Cite(s)		-	• • •	. Water Code § 26.121(a		
		Pollutant Di	-		m Permit No. WQ0012830 ring Requirements No. 1	0001, Effluent	
Violatio	n Description	Failed to cor	nply with per		nt limitations, as shown i Ilation table.	n the attached	
						Base Penalty	\$25,000
>> Environmer	tal. Proper	ty and Huma	an Health	Matrix			
		_	Harm				
OR	Release Actual		Moderate	Minor	1		
ÖK	Potential			X	Percent	15.0%	
>>Programmat		Maior	Madavata	Minor			
	Falsification	Major	Moderate	Minor	Percent	0.0%	
	A simplified r	nodel was used	to evaluate c	arbonaceous	biochemical oxygen dem	and (5-day) and	
Matrix		-		-	amounts of pollutants ex	-	
Notes		•			dered. Human health or ants that do not exceed le		
					ceptors as a result of the		
l							
					Adjustment	\$21,250	
							\$3,750
							<i><i><i>407700</i></i></i>
Violation Event	S						
	Number of V	/iolation Events	4	1	334 Number of vi	olation days	
		-				,	
		daily weekly					
		monthly					
		quarterly	Х		Violati	on Base Penalty	\$15,000
		semiannual annual					
		single event					
 						6.2.1	l
	•	•			rs containing the months nd January, February, Apr		
	september, e			2021.		ny ridyy and suite	
Cood Epith Effo	rta ta Cami	alı (25.00/			Deduction	- +2 750
Good Faith Effo		-	25.0% Before NOE/NOV		DPRP/Settlement Offer	Reduction	\$3,750
		Extraordinary					
		Ordinary	х				
		N/A		<u> </u>			
		Notes	-		l compliance on Septemb otice of Enforcement date		
		10000	2022/p		per 22, 2021.		
						olation Subtotal	\$11,250
					VI		× I I 750
Economic Bono							\$11,250
Economic bene	fit (EB) for	this violatio	n		Statutory	Limit Test	\$11,230
Economic Bene		this violatio ed EB Amount[\$875			\$12,750
Economic Bene						Limit Test	\$12,750

Economic Benefit Worksheet							
Respondent	LEASE BUILDE	RS, L.L.C.					
Case ID No.		,					
Reg. Ent. Reference No.							
	Water Quality						Years of
Violation No.						Percent Interest	Depreciation
	1						-
						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 \$0	n/a	\$0 \$0
Remediation/Disposal Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$15,000	31-Jul-2020	30-Sep-2021	1.17	\$0	n/a n/a	\$875
Notes for DELAYED costs	to the Facilit	y, and achieve co	mpliance with th	ne perm	nitted effluent limit	ne necessary repair ations. The Date R is the date of com	equired is the
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering	item (except for	one-time avoide	d costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$15,000			TOTAL		\$875

LEASE BUILDERS, L.L.C. TPDES Permit No. WQ0012830001 Docket No. 2021-1568-MWD-E Case No. 61653 Effluent Violation Table							
Monitoring	Carbonaceous Biochemical Oxygen Demand (5-day)	Flow	Ammonia Nitrogen		Total Suspended Solids		
Period	Daily Average Loading Limit = 0.5 lbs/day	Daily Average Limit = 0.006 MGD	Daily Average Concentration Limit = 2 mg/L	Daily Average Loading Limit = 0.1 lbs/day	Daily Average Loading Limit = 0.75 lbs/day		
July 2020	С	0.0071	с	c	0.8443		
August 2020	С	0.0066	с	c	с		
September 2020	с	0.008	2.96	0.2201	с		
October 2020	с	0.0098	с	с	с		
November 2020	С	0.0084	с	с	с		
December 2020	с	0.01	с	с	с		
January 2021	С	0.01	с	с	0.9045		
February 2021	с	0.0107	с	с	Е		
April 2021	с	0.012	с	с	1.0581		
May 2021	0.614	0.0158	с	с	1.7563		
June 2021	C /day – nounda non day	0.0114	C on collong por day	C a – compliar	1.0706		

lbs/day = pounds per day MGD = million gallons per day c = compliant mg/L = milligrams per liter E = Exception granted 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 CN605245307, RN102343373, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator:	CN605245307, LEASE BUILDERS, L.L.C.	Classification: SATISFACTO	RY Rating: 0.89
Regulated Entity:	RN102343373, NORTHWINDS PLANT	Classification: SATISFACTO	RY Rating: 0.89
Complexity Points:	5	Repeat Violator: NO	
CH Group:	08 - Sewage Treatment Facilities		
Location:	approximately 100 feet south of the end of	of Northwinds Drive, approximately	1,700 feet south of the
	intersection of Northwinds Drive and Farm	n-to-Market Road 529 in Harris Co	unty, Texas
TCEQ Region:	REGION 12 - HOUSTON		
ID Number(s): WASTEWATER PERMIT WQ0	0012830001 WAS	TEWATER EPA ID TX0094056	
Compliance History Peri	od: September 01, 2017 to August 31, 20	022 Rating Year: 2022	Rating Date: 09/01/2022
Date Compliance Histor	y Report Prepared: December 16, 20)22	
Agency Decision Requir	ing Compliance History: Enforceme	nt	
Component Period Selec	cted: December 16, 2017 to December	16, 2022	
TCEQ Staff Member to C	ontact for Additional Information I	Regarding This Compliance	History.
Name: Cecilio Banuelo	s	Phone: (956) 389-74	21
Site and Owner/Oper	ator History:		
,	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: \$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 Item 2 Item 3	January 16, 2018 February 15, 2018 March 13, 2018	(1475857) (1488037) (1491716)	Item 14 Item 15 Item 16	July 17, 2019 September 18, 2019 September 24, 2019	(1594491) (1607708) (1600791)
Item 4	April 13, 2018	(1494976)	Item 17	October 18, 2019	(1614572)
Item 5	May 15, 2018	(1501925)	Item 18	November 19, 2019	(1620361)
Item 6	June 19, 2018	(1509032)	Item 19	April 17, 2020	(1654823)
Item 7	July 18, 2018	(1515349)	Item 20	April 19, 2021	(1729389)
Item 8	August 09, 2018	(1521402)	Item 21	June 01, 2021	(1722836)
Item 9	September 14, 2018	(1528584)	Item 22	October 12, 2021	(1778237)
Item 10	January 18, 2019	(1563644)	Item 23	November 15, 2021	(1784908)
Item 11	April 15, 2019	(1573143)	Item 24	December 14, 2021	(1791942)
Item 12 Item 13	May 15, 2019 June 13, 2019	(1585873) (1585874)	Item 25	March 11, 2022	(1814666)

Item 26	April 19, 2022	(1821236)	Item 30	August 19, 2022	(1849731)
Item 27	May 16, 2022	(1830073)	Item 31	September 15, 2022	(1857500)
Item 28	June 16, 2022	(1836383)	Item 32	October 19, 2022	(1863854)
Item 29	July 19, 2022	(1843568)			

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

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

1	Date: 12/31/2021 (1799791)	
	Self Report? YES Classification:	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)	
	30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: Failure to meet the limit for one or more permit parameter	
2	Date: 01/31/2022 (1807623)	
	Self Report? YES Classification:	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)	
	30 TAC Chapter 305, SubChapter F 305.125(1)	

Description: Failure to meet the limit for one or more permit parameter

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



IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING LEASE BUILDERS, L.L.C. RN102343373 BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-1568-MWD-E

<u>s</u> <u>s</u> <u>s</u> <u>s</u> <u>s</u> <u>s</u>

§

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 LEASE BUILDERS, L.L.C. (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 owned and operated a wastewater treatment facility located approximately 100 feet south of the end of Northwinds Drive, approximately 1,700 feet south of the intersection of Northwinds Drive and Farm-to-Market Road 529 in Harris County, Texas (the "Facility"). The Facility 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 \$12,750 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$10,200 of the penalty and \$2,550 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 measures at the Facility:
 - a. By September 30, 2021, achieved compliance with the permitted effluent limitations.
 - b. By October 28, 2021, ceased ownership of the Facility.

II. ALLEGATIONS

During a record review for the Facility conducted on September 23, 2021, an investigator documented that the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0012830001, Effluent Limitations and Monitoring Requirements No. 1, as show in the effluent violation table below:

LEASE BUILDERS, L.L.C. DOCKET NO. 2021-1568-MWD-E Page 3

	Effluent Violation Table							
Monitoring	Carbonaceous Biochemical Oxygen Demand (5-day)	Flow	Ammoni	a Nitrogen	Total Suspended Solids			
Monitoring Period	Daily Average Loading Limit =	Daily Average Limit =	Daily Average Concentration Limit =	Daily Average Loading Limit =	Daily Average Loading Limit =			
	0.5 lbs/day	0.006 MGD	2 mg/L	0.1 lbs/day	0.75 lbs/day			
July 2020	С	0.0071	С	С	0.8443			
August 2020	С	0.0066	С	С	С			
September 2020	С	0.008	2.96	0.2201	С			
October 2020	С	0.0098	С	С	С			
November 2020	С	0.0084	С	С	С			
December 2020	С	0.01	С	С	С			
January 2021	С	0.01	С	С	0.9045			
February 2021	С	0.0107	С	С	Е			
April 2021	С	0.012	С	С	1.0581			
May 2021	0.614	0.0158	С	С	1.7563			
June 2021	С	0.0114	С	С	1.0706			

lbs/day = pounds per day MGD = million gallons per day c = compliant mg/L = milligrams per liter E = Exception granted

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: LEASE BUILDERS, L.L.C., Docket No. 2021-1568-MWD-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.

- 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.

LEASE BUILDERS, L.L.C. DOCKET NO. 2021-1568-MWD-E Page 5

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

ative Director For the Exec

4/17/2023 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
- TCEO seeking other relief as authorized by law.

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

Signature

Name (Printed or typed) Authorized Representative of LEASE BUILDERS, L.L.C.

Date Representation

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