

**Order Type:**  
Agreed Order

**Media:**  
WQ

**Small Business:**  
No

**Location Where Violations Occurred:**  
8634 McHard Road, Houston, Fort Bend County

**Type of Operation:**  
concrete production facility

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

**Texas Register Publication Date:** December 5, 2025

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$43,750

**Total Paid to General Revenue:** \$1,225

**Total Due to General Revenue:** 42,525

Payment Plan: 35 payments of \$1,215 each

**Compliance History Classifications:**

Person - Satisfactory

Site - Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** April 2014

**Investigation Information**

**Complaint Date:** N/A

**Date of Investigation:** July 8, 2020

**Date of NOV:** N/A

**Date of NOE:** August 6, 2020

**Violation Information**

Failed to submit monitoring results at intervals specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d), Texas Pollutant Discharge Elimination System General Permit No. TXG111304, Part III, Permit Requirements, Section A, No. 5 and Part IV, Standard Permit Condition No. 7.f].

**Corrective Actions/Technical Requirements**

**Corrective Actions Completed:**

Respondent implemented the following corrective measures at the Facility as of August 26, 2020:

1. Submitted discharge monitoring reports (“DMRs”) for the monthly monitoring periods of July 2017, November 2017, February 2018, and April 2018 through May 2020;
2. Revised and submitted DMRs for Outfall 001 for the monthly monitoring periods of June 2017 and September 2017 with all analytical results, including the daily maximum for flow and the monthly minimum for pH; and
3. Submitted DMRs for hazardous metals monitoring for the calendar years of 2018 and 2019, and the DMRs for whole effluent toxicity testing for calendar years of 2017, 2018, and 2019.

**Technical Requirements:**

None

**Litigation Information**

**Date Petition Filed:** June 27, 2025  
**Date Answer Filed:** July 17, 2025  
**Settlement Date:** November 12, 2025

**Contact Information**

**TCEQ Attorneys:** David Keagle, 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:** Kolby Farren, Enforcement Division, (512) 239-2098  
**TCEQ Regional Contact:** Westin Massey, Houston Regional Office, (713) 767-3500  
**Respondent Contact:** Joe Zapata, President, FLEXICORE OF TEXAS, LTD., P.O. Box 450049, Houston, Texas 77245  
**Respondent's Attorney:** Helen Gilbert, Barton Benson Jones, PLLC, [hgilbert@bartonbensonjones.com](mailto:hgilbert@bartonbensonjones.com), 1803 Broadway St., San Antonio, Texas 78215



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	10-Aug-2020	<b>Screening</b>	25-Aug-2020	<b>EPA Due</b>	
	<b>PCW</b>	26-Aug-2020				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	FLEXICORE OF TEXAS, LTD.
<b>Reg. Ent. Ref. No.</b>	RN102295748
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	59742	<b>No. of Violations</b>	3
<b>Docket No.</b>	2020-1128-WQ-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Mark Gamble
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$43,750
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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>	\$0
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$359
Estimated Cost of Compliance	\$2,025

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$43,750
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$43,750
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$43,750
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<b>DEFERRAL</b>	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.

<b>PAYABLE PENALTY</b>	\$43,750
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**Screening Date** 25-Aug-2020

**Docket No.** 2020-1128-WQ-E

**PCW**

**Respondent** FLEXICORE OF TEXAS, LTD.

*Policy Revision 4 (April 2014)*

**Case ID No.** 59742

*PCW Revision March 26, 2014*

**Reg. Ent. Reference No.** RN102295748

**Media** Water Quality

**Enf. Coordinator** Mark Gamble

### Compliance History Worksheet

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

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	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** 25-Aug-2020  
**Respondent** FLEXICORE OF TEXAS, LTD.  
**Case ID No.** 59742  
**Reg. Ent. Reference No.** RN102295748  
**Media** Water Quality  
**Enf. Coordinator** Mark Gamble

**Docket No.** 2020-1128-WQ-E

**PCW**

*Policy Revision 4 (April 2014)*  
*PCW Revision March 26, 2014*

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d), and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG111304, Part IV, Standard Permit Condition No. 7.f

**Violation Description** Failed to submit monitoring results at intervals specified in the permit. Specifically, analytical results for determining compliance with the effluent limitations described in TPDES General Permit No. TXG111304 Part III, Section A, No. 1 are required to be submitted by the 20th day of the month following the end of the monitoring period. However, DMRs were not submitted for the months of July 2017, November 2017, February 2018, and April 2018 through May 2020.

**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			5.0%

**Matrix Notes** 100% of the rule requirements were not met.

**Adjustment** \$23,750

\$1,250

**Violation Events**

Number of Violation Events 29      879 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$36,250

Twenty-nine single events are recommended.

**Good Faith Efforts to Comply**

0.0% Reduction \$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** \$36,250

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

**Statutory Limit Test**

**Estimated EB Amount** \$151

**Violation Final Penalty Total** \$36,250

**This violation Final Assessed Penalty (adjusted for limits)** \$36,250

## Economic Benefit Worksheet

**Respondent** FLEXICORE OF TEXAS, LTD.  
**Case ID No.** 59742  
**Reg. Ent. Reference No.** RN102295748  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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)	\$725	20-Aug-2017	14-Oct-2021	4.15	\$151	n/a	\$151

**Notes for DELAYED costs**

Estimated cost to submit the missing monthly DMRs (\$25 per DMR x 29 missing DMRs). The Date Required is the earliest DMR due date and the Final Date is the estimated date of compliance.

### Avoided Costs

#### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$725

**TOTAL**

\$151

**Screening Date** 25-Aug-2020  
**Respondent** FLEXICORE OF TEXAS, LTD.  
**Case ID No.** 59742  
**Reg. Ent. Reference No.** RN102295748  
**Media** Water Quality  
**Enf. Coordinator** Mark Gamble

**Docket No.** 2020-1128-WQ-E

**PCW**

*Policy Revision 4 (April 2014)*  
*PCW Revision March 26, 2014*

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d), and TPDES General Permit No. TXG111304, Part IV, Standard Permit Condition No. 7.f

**Violation Description** Failed to submit monitoring results at intervals specified in the permit. Specifically, analytical results for determining compliance with the effluent limitations described in TPDES General Permit No TXG111304 Part III, Section A, No. 1 are required to be submitted by the 20th day of the month following the end of the monitoring period. However, the daily maximum for flow and the monthly minimum for pH at Outfall 001 were not reported on DMRs submitted for the months of June 2017 and September 2017.

**Base Penalty**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>>> Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
Between 30% and 70% of the rule requirements were not met.					

**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 type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>

**Violation Base Penalty**

Two single events are recommended.

**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 type="text"/>
N/A	<input checked="" type="checkbox"/>	<input type="text"/>

**Notes** The Respondent does not meet the good faith criteria for this violation.

**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** FLEXICORE OF TEXAS, LTD.  
**Case ID No.** 59742  
**Reg. Ent. Reference No.** RN102295748  
**Media** Water Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	20-Jul-2017	14-Oct-2021	4.24	\$11	n/a	\$11

**Notes for DELAYED costs**

Estimated cost to revise and submit DMRs for the months of June and September 2017 with all analytical results. The Date Required is the earliest DMR due date and the Final Date is the estimated date of compliance.

### Avoided Costs

**ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$50

**TOTAL** \$11

**Screening Date** 25-Aug-2020  
**Respondent** FLEXICORE OF TEXAS, LTD.  
**Case ID No.** 59742  
**Reg. Ent. Reference No.** RN102295748  
**Media** Water Quality  
**Enf. Coordinator** Mark Gamble

**Docket No.** 2020-1128-WQ-E

**PCW**

*Policy Revision 4 (April 2014)*  
*PCW Revision March 26, 2014*

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code §§ 305.125(1) and (17), and TPDES General Permit No. TXG111304, Part III, Permit Requirements, Section A, No. 5, and Part IV, Standard Permit Condition No. 7.f

**Violation Description**

Failed to submit monitoring results at intervals specified in the permit. Specifically, Respondent is required to submit analytical results for determining compliance with the effluent limitations described in TPDES General Permit No. TXG111304 Part III, Section A, No. 2 by March 31st of the year following the end of the year monitoring period and DMRs for hazardous metals monitoring were not submitted for the calendar years 2018 and 2019. Additionally, Respondent did not submit whole effluent toxicity testing results by March 31st of the year following the end of the year monitoring period or submit analytical results for determining compliance with the effluent limitations described in TPDES General Permit No. TXG111304 Part III, Section A, No. 2 by March 31st of the year following the end of the year monitoring period for calendar years 2017, 2018, or 2019.

**Base Penalty**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
100% of the rule requirements were not met.					

**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 type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

**Violation Base Penalty**

Five single events are recommended.

**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 type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>

Notes: The Respondent does not meet the good faith criteria for this violation.

**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)**

\$6,250

## Economic Benefit Worksheet

**Respondent** FLEXICORE OF TEXAS, LTD.  
**Case ID No.** 59742  
**Reg. Ent. Reference No.** RN102295748  
**Media** Water Quality  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	31-Mar-2019	14-Oct-2021	2.54	\$64	n/a	\$64
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)	\$750	31-Mar-2018	14-Oct-2021	3.54	\$133	n/a	\$133
<b>Notes for DELAYED costs</b>	Estimated cost to submit two annual DMRs for hazardous metals monitoring for calendar years 2018 and 2019. Estimated cost to submit three annual DMRs for whole effluent toxicity testing for calendar years 2017, 2018, and 2019. The Dates Required are the earliest DMR due dates and the Final Dates are the estimated dates 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
<b>ONE-TIME avoided costs</b>				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
<b>Notes for AVOIDED costs</b>							

<b>Approx. Cost of Compliance</b>	\$1,250	<b>TOTAL</b>	\$197
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# Compliance History Report

Compliance History Report for CN600400600, RN102295748, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

**Customer, Respondent, or Owner/Operator:** CN600400600, Flexicore of Texas, Ltd. **Classification:** SATISFACTORY **Rating:** 1.25

**Regulated Entity:** RN102295748, FLEXICORE OF TEXAS **Classification:** SATISFACTORY **Rating:** 1.25

**Complexity Points:** 5 **Repeat Violator:** NO

**CH Group:** 10 - Cement and Concrete Product Manufacturing

**Location:** 8634 McHard Road, near Houston, Fort Bend County, Texas

**TCEQ Region:** REGION 12 - HOUSTON

**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 0790114 **AIR NEW SOURCE PERMITS ACCOUNT NUMBER** FG0013S  
**TIRES REGISTRATION** 13767 **WASTEWATER PERMIT** TXG111304  
**AIR EMISSIONS INVENTORY ACCOUNT NUMBER** FG0013S **INDUSTRIAL AND HAZARDOUS WASTE OTS REQUEST** 41947

**Compliance History Period:** September 01, 2019 to August 31, 2024 **Rating Year:** 2024 **Rating Date:** 09/01/2024

**Date Compliance History Report Prepared:** June 18, 2025

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** June 18, 2020 to June 18, 2025

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

## Site and Owner/Operator History:

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

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

**A. Final Orders, court judgments, and consent decrees:** 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	July 29, 2020	(1659643)	Item 14	July 10, 2024	(2013886)
Item 2	July 13, 2023	(1921837)	Item 15	August 16, 2024	(2019701)
Item 3	August 28, 2023	(1935712)	Item 16	September 10, 2024	(2026491)
Item 4	September 25, 2023	(1941953)	Item 17	October 04, 2024	(2032605)
Item 5	October 18, 2023	(1948720)	Item 18	November 25, 2024	(2027684)
Item 6	November 28, 2023	(1954395)	Item 19	December 02, 2024	(2038907)
Item 7	December 28, 2023	(1964198)	Item 20	December 05, 2024	(2045381)
Item 8	January 10, 2024	(1970786)	Item 21	January 09, 2025	(2051896)
Item 9	February 05, 2024	(1979818)	Item 22	February 10, 2025	(2059416)
Item 10	March 13, 2024	(1986366)	Item 23	March 05, 2025	(2068001)
Item 11	April 05, 2024	(1992930)	Item 24	April 07, 2025	(2074873)
Item 12	May 07, 2024	(1999363)			
Item 13	June 10, 2024	(2006322)			

### **E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):** N/A

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.

**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

### **Component Appendices**

#### **Appendix A**

#### **All NOVs Issued During Component Period 6/18/2020 and 6/18/2025**

N/A

#### **Appendix B**

#### **All Investigations Conducted During Component Period June 18, 2020 and June 18, 2025**

Item 1*	July 29, 2020**	(1659643)
Item 2	August 06, 2020**	(1659632)
Item 3*	July 13, 2023**	(1921837)
Item 4*	August 28, 2023**	(1935712)
Item 5*	September 25, 2023**	(1941953)
Item 6*	October 18, 2023**	(1948720)
Item 7*	November 28, 2023**	(1954395)
Item 8*	December 28, 2023**	(1964198)
Item 9*	January 10, 2024**	(1970786)
Item 10*	February 05, 2024**	(1979818)
Item 11*	March 13, 2024**	(1986366)
Item 12*	April 05, 2024**	(1992930)
Item 13*	May 07, 2024**	(1999363)
Item 14*	June 10, 2024**	(2006322)
Item 15*	July 10, 2024**	(2013886)
Item 16*	August 16, 2024**	(2019701)
Item 17*	September 10, 2024	(2026491)
Item 18*	October 04, 2024	(2032605)
Item 19*	November 25, 2024	(2027684)
Item 20*	December 02, 2024	(2038907)
Item 21*	December 05, 2024	(2045381)
Item 22*	January 09, 2025	(2051896)
Item 23*	February 10, 2025	(2059416)
Item 24*	March 05, 2025	(2068001)
Item 25*	April 07, 2025	(2074873)

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2019 and 08/31/2024.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT  
ACTION CONCERNING  
FLEXICORE OF TEXAS, LTD.;  
RN102295748

§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER

DOCKET NO. 2020-1128-WQ-E

### I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding FLEXICORE OF TEXAS, LTD. ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, represented by Helen Gilbert of the law firm Barton Benson Jones, PLLC together stipulate that:

1. Respondent owns and operates a concrete production facility located at 8634 McHard Road near Houston, Fort Bend County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001, and that Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. The Executive Director and Respondent agree that TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE chs. 7 and 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute, and the entry of this Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$43,750 is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid \$1,225 of the penalty. The remaining amount of \$42,525 shall be paid in 35 monthly payments of \$1,215 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Order, including the payment schedule, the Executive Director may, at her option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Order. The Executive Director and Respondent agree on a settlement of the matters addressed in this Order, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.

5. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas (“OAG”) for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions contained in this Order.
6. 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.
7. This Order shall terminate five years from its effective date or upon full compliance with all the terms and conditions set forth in this Order, whichever is later.
8. The Executive Director recognizes that Respondent implemented the following corrective measures at the Facility as of August 26, 2020:
  - a. Submitted discharge monitoring reports (“DMRs”) for the monthly monitoring periods of July 2017, November 2017, February 2018, and April 2018 through May 2020;
  - b. Revised and submitted DMRs for Outfall 001 for the monthly monitoring periods of June 2017 and September 2017 with all analytical results, including the daily maximum for flow and the monthly minimum for pH; and
  - c. Submitted DMRs for hazardous metals monitoring for the calendar years of 2018 and 2019, and the DMRs for whole effluent toxicity testing for calendar years of 2017, 2018, and 2019.

## II. ALLEGATIONS

1. During a record review conducted on July 8, 2020, an investigator documented that Respondent:
  - a. Failed to submit monitoring results at intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d), Texas Pollutant Discharge Elimination System (“TPDES”) General Permit No. TXG111304, Part IV, Standard Permit Condition No. 7.f. Specifically, analytical results for determining compliance with the effluent limitations described in TPDES General Permit No. TXG111304 Part III, Section A, No. 1 are required to be submitted by the 20<sup>th</sup> day of the month following the end of the monitoring period. However, DMRs were not submitted for the months of July 2017, November 2017, February 2018, and April 2018 through May 2020;
  - b. Failed to submit monitoring results at intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17), 319.7(d), and TPDES General Permit No. TXG111304, Part IV, Standard Permit Condition No. 7.f. Specifically, analytical results for determining compliance with the effluent limitations described in TPDES General Permit No. TXG111304 Part III, Section A, No. 1 are required to be submitted by the 20<sup>th</sup> day of the month following the end of the monitoring period. However, the daily maximum for flow and the monthly minimum for pH at Outfall 001 were not reported on DMRs submitted for the months of June 2017 and September 2017; and
  - c. Failed to submit monitoring results at intervals specified in the permit. Specifically, Respondent is required to submit analytical results for determining compliance with the effluent limitations described in TPDES General Permit No. TXG111304 Part III, Section A, No. 2 by March 31st of the year following the end

of the year monitoring period and DMRs for hazardous metals monitoring were not submitted for the calendar years 2018 and 2019. Additionally, Respondent did not submit whole effluent toxicity testing results by March 31st of the year following the end of the year monitoring period or submit analytical results for determining compliance with the effluent limitations described in TPDES General Permit No. TXG111304 Part III, Section A, No. 2 by March 31st of the year following the end of the year monitoring period for calendar years 2017, 2018, or 2019.

### III. DENIALS

Respondent generally denies each Allegation in Section II.

### IV. ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Section I, Paragraph 4. The payment of this penalty and Respondent's compliance with all of the requirements set forth in this Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here. Penalty payments shall be made payable to TCEQ and shall be sent with the notation "Re: FLEXICORE OF TEXAS, LTD., Docket No. 2020-1128-WQ-E" to:  

Financial Administration Division  
Revenue Operations Section  
Texas Commission on Environmental Quality  
Attention: Cashier's Office, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088
2. 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 Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
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 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.
5. 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.
6. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms

of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction or of a rule adopted or an order or permit issued by the TCEQ under such a statute.

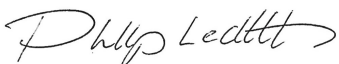
7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic 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.
8. 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



\_\_\_\_\_  
1/26/2026

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


\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions in this Order and/or failure to timely pay the penalty amount may result in:

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

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

  
\_\_\_\_\_  
Signature - Joe Zapata, President  
FLEXICORE OF TEXAS, LTD.  
P.O. Box 450049  
Houston, Texas 77245

\_\_\_\_\_  
11/12/2025

\_\_\_\_\_  
Date

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

\_\_\_\_\_