Executive Summary – Enforcement Matter – Case No. 61604 Clarity Homes, Ltd. RN110464385 Docket No. 2022-0060-WQ-E

Order Type: 1660 Agreed Order **Findings Order Justification:** N/A Media: WQ **Small Business:** Yes Location(s) Where Violation(s) Occurred: Parks of Aledo, located at Tallgrass Drive and Highlands Avenue, Aledo, Parker County **Type of Operation:** Large construction site **Other Significant Matters:** Additional Pending Enforcement Actions: No Past-Due Penalties: No Other: N/A Interested Third-Parties: None Texas Register Publication Date: April 14, 2023 Comments Received: No

Penalty Information

Total Penalty Assessed: \$11,250 Amount Deferred for Expedited Settlement: \$2,250 Total Paid to General Revenue: \$9,000 Total Due to General Revenue: \$0 Payment Plan: N/A Compliance History Classifications: Person/CN - Satisfactory Site/RN - High Major Source: No Statutory Limit Adjustment: N/A Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A Complaint Information: N/A Date(s) of Investigation: October 6, 2021 Date(s) of NOE(s): October 29, 2021

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Violation Information

1. Failed to properly select, install, and maintain control measures according to the manufacturer's or designer's specifications. Specifically, the Respondent installed sediment controls that were not sufficient to minimize the offsite flow of sediment at the lots located at 844, 848, 864, and 868 Highlands Avenue [30 TEX. ADMIN. CODE § 281.25(a)(4) and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR15418Q Part III, Section F(2)(a)(ii)].

2. Failed to design, install, implement, and maintain effective pollution prevention measures to minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present at the Site to precipitation and to stormwater. Specifically, trash and construction debris was documented at the lots located at 844, 848, 864, and 868 Highlands Avenue [30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES General Permit No. TXR15418Q Part III, Section (G)(4)(b)].

3. Failed to minimize the discharge of concrete wastewater. Specifically, disposed concrete and an inadequate concrete washout basin was documented at the lot located at 868 Highlands Avenue [30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES General Permit No. TXR15418Q Part III, Section (G)(5)(a)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

i. Install sediment controls and concrete washout controls that are sufficient to minimize the offsite flow of sediment from the Site;

ii. Remove accumulated pollutants including trash, construction debris, and disposed concrete from lot numbers 844, 848, 864, and 868; and

iii. Install a basin that is designed for concrete washout.

b. Within 45 days, submit written certification to demonstrate compliance with a.

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Contact Information

TCEQ Attorney: N/A TCEQ Enforcement Coordinator: Ellen Ojeda, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-2581; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548 Respondent: William Bannister, President, Clarity Homes, Ltd., 3605 El Campo Avenue, Fort Worth, Texas 76107 John Newton, Vice President, Clarity Homes, Ltd., 3605 El Campo Avenue, Fort Worth, Texas 76107 Respondent's Attorney: N/A

Notes No adjustment for Compliance History. Culpability No 0.0% Enhancement Subtotal 4 4 Notes The Respondent does not meet the culpability criteria. Good Faith Effort to Comply Total Adjustments Subtotal 5 4 Good Faith Effort to Comply Total Adjustments Subtotal 5 4 Total EB Amounts \$2259 *Capped at the Total EB \$ Amount 5 Stimated Cost of Compliance \$22,600 *Capped at the Total EB \$ Amount \$11,25 SUM OF SUBTOTALS 1-7 Final Subtotal \$11,25 OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment 4 Reduces or enhances the Final Subtotal by the indicated percentage. Notes Final Assessed Penalty Amount \$11,25 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$11,25 \$11,25 DEFERRAL 20.0% Reduction Adjustment -\$2,25 Notes Deferral offered for expedited settlement. \$11,25	S COMMISSION S COM	Policy R	Pe evision 5 (January 28	-	Calculatio	n Worksh	neet (PC		vision February 11,	, 2021
RESPONDENT/FACILITY INFORMATION Reg. Ent. (Clarity Homes, Ltd., Reg. Ent. Ref. No. (RNI 1064385) Facility/Site Region 4-Dailas/Fort Worth Major/Minor Source Minor CASE INFORMATION Enf. / Case ID No. 61 Violations 3 Docket No. 2022-0060-WQ-E Government/Non-Profit Media Program(s) Water Quality Government/Non-Profit Multi-Media TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 2 Admin. Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) Subtotals 2-7 an obtained by multiplying the fold Base Penalty (Subtotal 1) by the indicated percentage. Compliance History Notes Notes Notes The Respondent does not meet the culpability criteria. Good Faith Effort to Comply Total Adjustments Subtotal 5 Economic Benefit Notes Total EB Amounts Subtotal 5 Subtotal 5 Subtotal 6 Subtotal 7 Total EB Amounts Subtotal 5 Subtotal 6 <td>DATES</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>7</td> <td></td> <td></td>	DATES							7		
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PAYABLE PENALTY \$9,00	ΡΑΥΑ	BLE PENALT	ſ						\$9	,000

	orders meeting criteria)		
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
hadits	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%
e ti i e ti	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 Perc	centage (Sub	total 2)
Repeat Violator	-		
Repeat Violator	(Subtotal 3)	centage (Sub	total 3)
No	(Subtotal 3)	centage (Sub	total 3) [
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Screening Date 29-Nov-2021 Respondent Clarity Homes, Ltd. **Case ID No.** 61604 Reg. Ent. Reference No. RN110464385 Media Water Quality Enf. Coordinator Ellen Ojeda

Number of...

Other written NOVs

Component

NOVs

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

Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021

Adjust.

0%

0%

0%

Number

0

0

0

PCW

Written notices of violation ("NOVs") with same or similar violations as those in

Any agreed final enforcement orders containing a denial of liability (number of

the current enforcement action (number of NOVs meeting criteria)

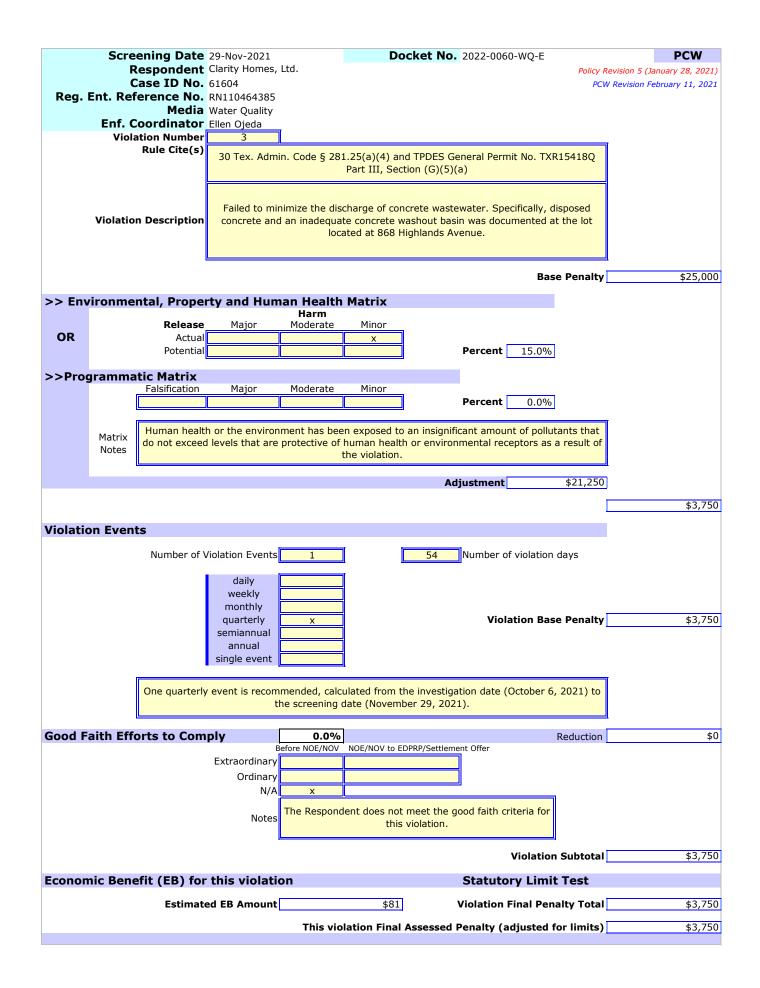
Docket No. 2022-0060-WQ-E

	Scre	ening Date	29-Nov-2021		Doo	cket No. 2022-0060-WQ-E			PCW
			Clarity Homes,	Ltd.			Policy R	evision 5 (Ja	nuary 28, 2021)
		ase ID No.					PCV	V Revision Fe	bruary 11, 2021
Reg. E	Int. Ref		RN110464385						
			Water Quality						
		oordinator		r					
	Viola	tion Number	1					T	
		Rule Cite(s)		-		nd Texas Pollutant Discharge El TXR15418Q Part III, Section F(
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>> Envi	ironme	ntal, Prope	rty and Hum	an Health	Matrix				
				Harm					
OR		Release		Moderate	Minor	1			
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						Adjustment	\$21,250		\$3,750
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Violatio	n Event		daily weekly monthly quarterly	1			days		\$3,750
Violatio	n Event		daily weekly monthly quarterly semiannual			54 Number of violation	days		
Violatio	n Event		daily weekly monthly quarterly semiannual annual			54 Number of violation	days		
Violatio	n Event		daily weekly monthly quarterly semiannual			54 Number of violation	days		
Violatio	n Event	Number of t	daily weekly monthly quarterly semiannual annual single event			54 Number of violation	days se Penalty		
Violatio	n Event	Number of t	daily weekly monthly quarterly semiannual annual single event	x nended, calcu		54 Number of violation Violation Bases	days se Penalty		
Violatio	n Event	Number of t	daily weekly monthly quarterly semiannual annual single event	x nended, calcu		54 Number of violation	days se Penalty		
		Number of Y	daily weekly monthly quarterly semiannual annual single event	x nended, calcu		54 Number of violation Violation Bases	days 5e Penalty 5, 2021) to		\$3,750
		Number of t	daily weekly monthly quarterly semiannual annual single event event is recomm th	nended, calcu e screening d	ate (Novemb	54 Number of violation Violation Bas ne investigation date (October 6 her 29, 2021).	days se Penalty		
		Number of Y	daily weekly monthly quarterly semiannual annual single event event is recomm th ply	nended, calcu e screening d	ate (Novemb	54 Number of violation Violation Bases	days 5e Penalty 5, 2021) to		\$3,750
		Number of Y	daily weekly monthly quarterly semiannual annual single event event is recomm th ply Extraordinary	nended, calcu e screening d	ate (Novemb	54 Number of violation Violation Bas ne investigation date (October 6 her 29, 2021).	days 5e Penalty 5, 2021) to		\$3,750
		Number of Y	daily weekly monthly quarterly semiannual annual single event event is recomm th ply Extraordinary Ordinary	x nended, calcu e screening d 0.0% efore NOE/NOV	ate (Novemb	54 Number of violation Violation Bas ne investigation date (October 6 her 29, 2021).	days 5e Penalty 5, 2021) to		\$3,750
		Number of Y	daily weekly monthly quarterly semiannual annual single event event is recomm th ply Extraordinary	nended, calcu e screening d	ate (Novemb	54 Number of violation Violation Bas ne investigation date (October 6 her 29, 2021).	days 5e Penalty 5, 2021) to		\$3,750
		Number of Y	daily weekly monthly quarterly semiannual annual single event event is recomm th ply Extraordinary Ordinary	x nended, calcu e screening d 0.0% efore NOE/NOV	ate (Novemb	54 Number of violation Violation Bas ne investigation date (October 6 her 29, 2021).	days 5e Penalty 5, 2021) to		\$3,750
		Number of Y	daily weekly monthly quarterly semiannual annual single event event is recomm the ply Extraordinary Ordinary N/A	x nended, calcu e screening d 0.0% efore NOE/NOV	ate (Novemb	54 Number of violation Violation Base Violation date (October of the set 29, 2021). DPRP/Settlement Offer DPRP/Settlement Offer Det meet the good faith criteria s violation.	days se Penalty		\$3,750
		Number of Y	daily weekly monthly quarterly semiannual annual single event event is recomm the ply Extraordinary Ordinary N/A	x nended, calcu e screening d 0.0% efore NOE/NOV	ate (Novemb	54 Number of violation Violation Base Violation date (October of the set 29, 2021). DPRP/Settlement Offer DPRP/Settlement Offer Det meet the good faith criteria s violation.	days 5e Penalty 5, 2021) to		\$3,750
Good Fa	aith Effc	Number of Y	daily weekly monthly quarterly semiannual annual single event event is recomm the ply Extraordinary Ordinary N/A	nended, calcu e screening d o.0% efore NOE/NOV	ate (Novemb	54 Number of violation Violation Base Violation date (October of the set 29, 2021). DPRP/Settlement Offer DPRP/Settlement Offer Det meet the good faith criteria s violation.	days Se Penalty 5, 2021) to Reduction Subtotal		\$3,750
Good Fa	aith Effc	Number of Y	daily weekly monthly quarterly semiannual annual single event event is recomm th event is recomm th Extraordinary Ordinary N/A Notes	nended, calcu e screening d o.0% efore NOE/NOV	ate (Novemb	54 Number of violation Violation Base Violation date (October of the investigation date (October of the investing)))	days 5 Penalty 5 , 2021) to Reduction n Subtotal t Test		\$3,750
Good Fa	aith Effc	Number of Y	daily weekly monthly quarterly semiannual annual single event event is recomm th event is recomm th Extraordinary Ordinary N/A Notes	nended, calcu e screening d 0.0% efore NOE/NOV	NOE/NOV to El NOE/NOV to El dent does no for thi	54 Number of violation Violation Base Violation date (October Gover 29, 2021). DPRP/Settlement Offer Image: Colspan="2">Optimized colspan="2">Optimized colspan="2">Violation Colspan="2">Colspan="2">Violation Colspan="2">Colspan="2">Colspan="2">Violation Base DPRP/Settlement Offer Image: Colspan="2">Violation Colspan="2">Colspan="2">Violation Colspan="2">Colspan="2">Colspan="2">Violation Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2" Colspan="2">Colspan="2" Colspan="2">Colspan="2" Colspan="2">Colspan="2" Colspan="2"	days 5 Penalty 5 , 2021) to Reduction a Subtotal t Test nalty Total		\$3,750

	E	conomic	Benefit	Wor	ksheet		
Respondent	Clarity Homes,	, Ltd.					
Case ID No.	61604						
Reg. Ent. Reference No.							
	Water Quality					Percent Interest	Years of
Violation No.	1						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Equipment	[1		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$1,500	6-Oct-2021	19-May-2023	1.62	\$8	\$162	\$170
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling Remediation/Disposal	\$100	6-Oct-2021	19-May-2023	0.00	\$0 \$8	n/a	\$0 \$8
Permit Costs	\$100	0-001-2021	19-14dy-2025	0.00	\$0	n/a n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated Ren	nediation/Disposa	l cost to dispose Date Required is	of const	ance.	al Date is the estim d other materials fr nd the Final Date is	om lot numbers
Avoided Costs	ANNU	ALIZE avoided o				one-time avoided	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 Other (as needed)				0.00	\$0 \$0	<u>\$0</u> \$0	<u>\$0</u> \$0
Notes for AVOIDED costs]]		0.00		<u> </u>	<u>\$0</u>
Approx. Cost of Compliance		\$1,600			TOTAL		\$178

	Scre	ening Date	29-Nov-2021		Do	cket No. 2022-0060-WQ-E			PCW
			Clarity Homes,	Ltd.			Policy R	evision 5 (Ja	nuary 28, 2021)
		ase ID No.					РСИ	/ Revision Fe	bruary 11, 2021
Reg.	Ent. Ref		RN110464385						
	Enf C		Water Quality						
		Coordinator ation Number	,	า					
	VIUI	Rule Cite(s)		<u> </u>				ľ	
			30 Tex. Adm	in. Code § 28	1.25(a)(4) and Part III, Sect	d TPDES General Permit No. TXR:	15418Q		
					Part III, Sect				
			Failed to de	sian, install, ir	nplement, and	I maintain effective pollution prev	rention		
						building materials, building prod			
	Violatio	n Description				terials, fertilizers, pesticides, her	· · ·		
		•	- ·	• •		terials present at the Site to pred l construction debris were docum	· ·		
						54, and 868 Highlands Avenue.	enteu at		
						Base	Penalty		\$25,000
					Matuin				
>> EN	vironme	псаї, Ргореі	rty and Hun	n an Health Harm	Matrix				
		Release	Major	Moderate	Minor				
OR		Actual			x	-			
		Potential				Percent 15.0%			
>>Pro	gramma	tic Matrix							
	<u>.</u>	Falsification	Major	Moderate	Minor				
						Percent 0.0%			
								1	
	Matrix					an insignificant amount of polluta or environmental receptors as a			
	Notes	do not exceed	i levels tilat ale		the violation.	or environmental receptors as a	result of		
						Adjustment	\$21,250		
							1		\$3,750
	_	-							
Violati	on Even	ts							
		Number of \	/iolation Events	1] [54 Number of violation of	lays		
			daily						
			weekly						
			monthly quarterly	x		Violation Base	Penalty		\$3,750
			semiannual	~~~			,,		+=/: = =
			annual						
			single event		l				
		One quarterly			ulated from th date (Novemb	e investigation date (October 6,	2021) to		
				ine screening		er 29, 2021).			
Good F	aith Eff	orts to Com	plv	0.0%		F	Reduction		\$0
			E	Before NOE/NOV		PRP/Settlement Offer			1.5
			Extraordinary						
			Ordinary						
			N/A	X	I <u></u>				
			Notes	The Respond	lent does not	meet the good faith criteria for			
			Notes		this	violation.			
				L					
						Violation	Subtotal		\$3,750
Econor	mic Bene	efit (EB) for	this violati	on		Statutory Limit	Test		
		• •				· · · · · · · · · · · · · · · · · · ·			
					\$0	_	Ity Total		\$3,750
			ed EB Amount		\$0	, Violation Final Pena Assessed Penalty (adjusted fo	-		\$3,750

		conomic	Benefit	Nor	rksheet		
Respondent	Clarity Homes	, Ltd.					
Case ID No.							
Reg. Ent. Reference No.							
							Verseef
	Water Quality					Percent Interest	Years of
Violation No.	2						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Item Description							
Delayed Costs							
Delayed Costs	·			0.00	¢0	#0	¢0
Equipment				0.00	\$0 \$0	<u>\$0</u> \$0	<u>\$0</u> \$0
Buildings Other (as needed)				0.00	\$0	\$0	<u>\$0</u> \$0
Engineering/Construction				0.00	\$0	\$0	\$0
Lingineering/construction				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
	Estimated Bon	nodiation (Disposal	l cast ta dispasa	of conc	truction dobric on	d other materials fro	m lot numbor
Notes for DELAYED costs	Estimated Ren				struction debris an Economic Benefit	d other materials fro Worksheet No. 1.	om lot number
Notes for DELAYED costs Avoided Costs		844, 848, 864,	, and 868 is capt	tering	Economic Benefit		i costs)
		844, 848, 864,	, and 868 is capt	ured in	Economic Benefit item (except for \$0	Worksheet No. 1. one-time avoided \$0	l costs) \$0
Avoided Costs Disposal Personnel		844, 848, 864,	, and 868 is capt	tering	Economic Benefit item (except for \$0 \$0	Worksheet No. 1. one-time avoided \$0 \$0	i costs) \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling		844, 848, 864,	, and 868 is capt	tering 0.00 0.00 0.00	Economic Benefit item (except for \$0 \$0 \$0	Worksheet No. 1. one-time avoided \$0 \$0 \$0	l costs) \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment		844, 848, 864,	, and 868 is capt	tering 0.00 0.00 0.00 0.00	Economic Benefit item (except for \$0 \$0 \$0 \$0 \$0	Worksheet No. 1. one-time avoided \$0 \$0 \$0 \$0	1 costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance		844, 848, 864,	, and 868 is capt	tering 0.00 0.00 0.00 0.00 0.00	Economic Benefit item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	worksheet No. 1. one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs		844, 848, 864,	, and 868 is capt	tering 0.00 0.00 0.00 0.00 0.00 0.00 0.00	Economic Benefit item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	Worksheet No. 1. one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	i costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance		844, 848, 864,	, and 868 is capt	tering 0.00 0.00 0.00 0.00 0.00	Economic Benefit item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	worksheet No. 1. one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	l costs) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs		844, 848, 864,	, and 868 is capt	tering 0.00 0.00 0.00 0.00 0.00 0.00 0.00	Economic Benefit item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	Worksheet No. 1. one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	i costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0



	E	conomic	Benefit	Woi	rksheet		
Respondent	Clarity Homes	, Ltd.					
Case ID No.							
Reg. Ent. Reference No.							
							Years of
	Water Quality					Percent Interest	
Violation No.	3						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Equipment		1		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$1,000	6-Oct-2021	19-May-2023	1.62	\$81	n/a	\$81
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	number	868 and construct investigation d	t a concrete was ate, and the Fina	hout ba al Date	asin and disposal a is the estimated d		red is the
Avoided Costs	ANNU	ALIZE avoided o	osts before en			one-time avoided	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	-			0.00	\$0 \$0	<u>\$0</u> \$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$1,000			TOTAL		\$81



Compliance History Report

Compliance History Report for CN603024969, RN110464385, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator:	CN603024969, Clarity Homes, LTD.	Classification: SATISFACTOR	Y Rating: 1.00						
Regulated Entity:	RN110464385, PARKS OF ALEDO	Classification: HIGH	Rating: 0.00						
Complexity Points:	6	Repeat Violator: NO							
CH Group:	09 - Construction								
Location:	Tallgrass Drive and Highlands Avenue, Pa	rker County Texas							
TCEQ Region:	REGION 04 - DFW METROPLEX								
ID Number(s): STORMWATER PERMIT TXR15418Q									
Compliance History Per	iod: September 01, 2017 to August 31, 2	022 Rating Year: 2022	Rating Date: 09/01/2022						
Date Compliance Histor	y Report Prepared: November 30, 20	022							
Agency Decision Requir	ing Compliance History: Enforceme	ent							
Component Period Sele	cted: November 30, 2017 to November	30, 2022							
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.									
Name: Ellen Ojeda		Phone: (512) 239-258	1						
Site and Owner/Oper	Site and Owner/Operator History:								
1) Has the site been in existence and/or operation for the full five year compliance period? NO									

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.): $$\rm N/A$$
- 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



§

55555

IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING CLARITY HOMES, LTD. RN110464385 BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-0060-WQ-E

I. JURISDICTION AND STIPULATIONS

On _______, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Clarity Homes, Ltd. (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 owns and operates a large construction site located at Tallgrass Drive and Highlands Avenue in Aledo, Parker County, Texas (the "Site"). The Site is near or adjacent to water in the state as defined in Tex. WATER CODE § 26.001(5).
- 2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
- 3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 4. An administrative penalty in the amount of \$11,250 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$9,000 of the penalty and \$2,250 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.

II. ALLEGATIONS

During an investigation for the Site conducted on October 6, 2021, an investigator documented that the Respondent:

- 1. Failed to properly select, install, and maintain control measures according to the manufacturer's or designer's specifications, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4) and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR15418Q Part III, Section F(2)(a)(ii). Specifically, the Respondent installed sediment controls that were not sufficient to minimize the offsite flow of sediment at the lots located at 844, 848, 864, and 868 Highlands Avenue.
- 2. Failed to design, install, implement, and maintain effective pollution prevention measures to minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present at the Site to precipitation and to stormwater, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES General Permit No. TXR15418Q Part III, Section (G)(4)(b). Specifically, trash and construction debris was documented at the lots located at 844, 848, 864, and 868 Highlands Avenue.
- 3. Failed to minimize the discharge of concrete wastewater, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES General Permit No. TXR15418Q Part III, Section (G)(5)(a). Specifically, disposed concrete and an inadequate concrete washout basin was documented at the lot located at 868 Highlands Avenue.

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"

Clarity Homes, Ltd. DOCKET NO. 2022-0060-WQ-E Page 3

and shall be sent with the notation "Re: Clarity Homes, Ltd., Docket No. 2022-0060-WQ-E" to:

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

- 2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days of the effective date of this Order:
 - i. Install sediment controls and concrete washout controls that are sufficient to minimize the offsite flow of sediment from the Site;
 - ii. Remove accumulated pollutants including trash, construction debris, and disposed concrete from lot numbers 844, 848, 864, and 868; and
 - iii. Install a basin that is designed for concrete washout.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i, 2.a.ii, and 2.a.iii. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section Manager Dallas/Fort Worth Regional Office Texas Commission on Environmental Quality 2309 Gravel Drive Fort Worth, Texas 76118-6951

3. All relief not expressly granted in this Order is denied.

- 4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Site operations referenced in this Order.
- 5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
- 7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
- 9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

Clarity Homes, Ltd. DOCKET NO. 2022-0060-WQ-E Page 5

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

ecutive Director

6/5/2023 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 OAG 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 OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

Signature

Jate Vice President

Name (Printed or typed) Authorized Representative of Clarity Homes, Ltd.

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