

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 61826
Diamond Ready Mix, Inc.
RN108785379
Docket No. 2022-0119-WQ-E

Page 1 of 2

Order Type:
Default Order

Media:
WQ

Small Business:
Yes

Location Where Violations Occurred:
5521 Breen Drive, Houston, Harris County

Type of Operation:
concrete production facility

Other Significant Matters:

Additional Pending Enforcement Actions:	Yes, 2024-0523-WQ-E
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None
Texas Register Publication Date:	June 27, 2025
Comments Received:	None

Penalty Information

Total Penalty Assessed:	\$14,648
Total Paid to General Revenue:	\$0
Total Due to General Revenue:	\$14,648

Compliance History Classifications:

Person/CN – Satisfactory
Site/RN – Satisfactory

Major Source:	No
Statutory Limit Adjustment:	None
Applicable Penalty Policy:	January 28, 2021

Investigation Information

Complaint Date:	N/A
Date of Investigation:	September 29, 2021
Date of NOVs:	February 28, 2023
Date of NOE:	January 7, 2022

Diamond Ready Mix, Inc.
RN108785379
Docket No. 2022-0119-WQ-E

Violation Information

1. Failed to comply with permitted effluent limitations [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System (“TPDES”) General Permit No. TXG112031, Part III, Permit Requirements, Section A.1].
2. Failed to collect and analyze effluent samples at the intervals specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b) and TPDES General Permit No. TXG112031, Part III, Permit Requirements, Section A.1].

Corrective Actions/Technical Requirements

Corrective Action Completed:

None

Technical Requirements:

1. Within 30 days develop and implement procedures and conduct employee training to ensure samples are collected and analyzed.
2. Within 45 days submit written certification to demonstrate compliance with Technical Requirement 1.
3. Within 20 days after each of the next two monitoring periods in which a discharge occurs, submit a copy of the discharge monitoring report with written certification of compliance.

Litigation Information

Date Petition Filed: July 8, 2024

Date of Service: July 17, 2024

Date Answer Filed: N/A

Contact Information

TCEQ Attorneys: Marilyn Norrod, 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: Samantha Smith, Enforcement Division, (512) 239-1337

TCEQ Regional Contact: Westin Massey, Houston Regional Office, (713) 767-3500

Respondent Contact: Noelia Garcia, President, Diamond Ready Mix, Inc., 7312 Louetta Road,
Suite B118-431, Spring, Texas 77379

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	18-Jan-2022	Screening	19-Jan-2022	EPA Due	
	PCW	19-Jan-2022				

RESPONDENT/FACILITY INFORMATION

Respondent	Diamond Ready Mix, Inc.
Reg. Ent. Ref. No.	RN108785379
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	61826	No. of Violations	2
Docket No.	2022-0119-WQ-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Harley Hobson
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$13,750
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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.

Compliance History	5.0%	Adjustment	Subtotals 2, 3, & 7	\$687
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Notes Enhancement for one month of self-reported effluent violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$739
Estimated Cost of Compliance \$5,450
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$14,437
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OTHER FACTORS AS JUSTICE MAY REQUIRE	1.5%	Adjustment	\$211
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Recommended enhancement to capture the avoided cost of compliance associated with Violation No. 2.

Final Penalty Amount	\$14,648
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$14,648
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$14,648
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Screening Date	19-Jan-2022	Docket No.	2022-0119-WQ-E	PCW
Respondent	Diamond Ready Mix, Inc.			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	61826			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN108785379			
Media	Water Quality			
Enf. Coordinator	Harley Hobson			

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>)	1	5%
	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) 5%

>> 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

Enhancement for one month of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 5%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 5%

Screening Date 19-Jan-2022 Respondent Diamond Ready Mix, Inc. Case ID No. 61826 Reg. Ent. Reference No. RN108785379 Media Water Quality Enf. Coordinator Harley Hobson Violation Number 1 Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG112031, Part III, Permit Requirements, Section A.1 Violation Description Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.	Docket No. 2022-0119-WQ-E PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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	Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR		Harm					
	Release	Major	Moderate	Minor			
	Actual			X			
	Potential				Percent	15.0%	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent
					0.0%

Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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	Adjustment	\$21,250
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	Adjustment	\$3,750
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Violation Events

Number of Violation Events	3	120	Number of violation days
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	daily				
	weekly				
	monthly				
	quarterly	X			Violation Base Penalty
	semiannual				\$11,250
	annual				
	single event				

Three quarterly events are recommended for the quarters containing the months of October 2020 and February, May, and June 2021.

Good Faith Efforts to Comply

	0.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	
Notes	The Respondent does not meet the good faith criteria for this violation.	

	Violation Subtotal	\$11,250
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Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$516
Violation Final Penalty Total	\$11,985
This violation Final Assessed Penalty (adjusted for limits)	
\$11,985	

Economic Benefit Worksheet

Respondent Diamond Ready Mix, Inc.
Case ID No. 61826
Reg. Ent. Reference No. RN108785379
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)	\$5,000	31-Oct-2020	24-Nov-2022	2.07	\$516	n/a	\$516

Notes for DELAYED costs

Estimated Other cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations. The Date Required is the end date of the first month of noncompliance. 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

\$5,000

TOTAL

\$516

Screening Date	19-Jan-2022	Docket No.	2022-0119-WQ-E	PCW	
Respondent	Diamond Ready Mix, Inc.				<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	61826				<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN108785379				
Media	Water Quality				
Enf. Coordinator	Harley Hobson				
Violation Number	2				
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and 319.5(b) and TPDES General Permit No. TXG112031, Part III, Permit Requirements, Section A.1				
Violation Description	Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the Respondent did not collect and analyze samples for the months of July 2020 and April 2021.				
		Base Penalty	\$25,000		

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential		X		Percent 5.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$23,750
	\$1,250

Violation Events

Number of Violation Events	2	Number of violation days	62
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	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	X			Violation Base Penalty \$2,500

Two single events are recommended, one event each for July 2020 and April 2021.

Good Faith Efforts to Comply

	0.0%				
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer			Reduction \$0
Extraordinary					
Ordinary					
N/A	X				
Notes	The Respondent does not meet the good faith criteria for this violation.				
		Violation Subtotal	\$2,500		

Economic Benefit (EB) for this violation

Estimated EB Amount	\$223	Violation Final Penalty Total	\$2,663		
		This violation Final Assessed Penalty (adjusted for limits)	\$2,663		

Economic Benefit Worksheet

Respondent Diamond Ready Mix, Inc.
Case ID No. 61826
Reg. Ent. Reference No. RN108785379
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	\$250	29-Sep-2021	31-Aug-2022	0.92	\$12	n/a	\$12
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Training/Sampling cost to develop and implement procedures and conduct employee training to ensure samples are collected and analyzed in accordance with permit requirements. The Date Required is the investigation date. 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	\$100	30-Apr-2021	19-Jan-2022	0.72	\$4	\$100	\$104
Other (as needed)	\$100	31-Jul-2020	19-Jan-2022	1.47	\$7	\$100	\$107

Notes for AVOIDED costs

Estimated avoided cost to collect and analyze effluent samples (\$100 for each month samples were missed). The Dates Required are the last day the samples could have been collected. The Final Dates are the screening date.

Approx. Cost of Compliance

\$450

TOTAL

\$223

Attachment 1

Diamond Ready Mix, Inc.
Docket No. 2022-0119-WQ-E
TPDES General Permit No. TXG112031
Case No. 61826

Effluent Violation Table		
	pH Minimum	Total Suspended Solids Daily Maximum Concentration
Monitoring Period	Limit = 6.0 SU	Limit = 65 mg/L
October 2020	3.21	213
February 2021	c	233
May 2021	2.24	c
June 2021	3.27	96

c = compliant SU = standard units mg/L = milligrams per liter



Compliance History Report

Compliance History Report for CN604902809, RN108785379, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN604902809, Diamond Ready Mix, Inc. **Classification:** SATISFACTORY **Rating:** 0.31

Regulated Entity: RN108785379, DIAMOND READY MIX BREEN DRIVE CBP 1 **Classification:** SATISFACTORY **Rating:** 0.31

Complexity Points: 8 **Repeat Violator:** NO

CH Group: 10 - Cement and Concrete Product Manufacturing

Location: 5521 Breen Drive in Houston, Harris County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR NEW SOURCE PERMITS PERMIT 136154

PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 89747

WASTEWATER PERMIT TXG112031

AIR EMISSIONS INVENTORY ACCOUNT NUMBER
HGA165I

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 97202

Compliance History Period: September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

Date Compliance History Report Prepared: January 10, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 10, 2019 to January 10, 2024

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

Name: Harley Hobson

Phone: (512) 239-1337

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	January 21, 2019	(1548055)	Item 15	April 09, 2021	(1734239)
Item 2	February 18, 2019	(1568510)	Item 16	May 20, 2021	(1744431)
Item 3	May 20, 2019	(1589234)	Item 17	August 13, 2021	(1759905)
Item 4	August 20, 2019	(1602432)	Item 18	September 20, 2021	(1769503)
Item 5	November 20, 2019	(1616184)	Item 19	October 01, 2021	(1769502)
Item 6	February 21, 2020	(1643552)	Item 20	October 22, 2021	(1780533)
Item 7	April 28, 2020	(1650099)	Item 21	March 14, 2022	(1809248)
Item 8	July 20, 2020	(1676505)	Item 22	April 11, 2022	(1816386)
Item 9	July 24, 2020	(1669537)	Item 23	April 20, 2022	(1822865)
Item 10	August 14, 2020	(1683293)	Item 24	May 18, 2022	(1831702)
Item 11	September 10, 2020	(1689862)	Item 25	June 20, 2022	(1838044)
Item 12	October 07, 2020	(1696178)	Item 26	July 19, 2022	(1845159)
Item 13	December 21, 2020	(1721156)	Item 27	August 18, 2022	(1851697)
Item 14	January 13, 2021	(1721157)	Item 28	September 19, 2022	(1859117)

Item 35	May 19, 2023	(1915358)
Item 36	June 20, 2023	(1922008)
Item 37	July 20, 2023	(1928972)
Item 38	August 20, 2023	(1935842)
Item 39	September 20, 2023	(1942082)
Item 40	October 18, 2023	(1948849)

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:	02/28/2023	(1901443)	
	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):

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 NOV's Issued During Component Period 1/10/2019 and 1/10/2024

1	Date: 02/28/2019 (1568511) 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: 02/29/2020 (1650098) 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
3	Date: 10/31/2020 (1721155) 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
4	Date: 02/28/2021 (1734238) 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
5	Date: 05/31/2021 (1749051) 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
6	Date: 06/30/2021 (1754598) 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
7	Date: 10/31/2021 (1786740) 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
8	Date: 02/28/2022 (1816387) 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

9* Date: 02/28/2023 (1901443)
 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

* NOVs applicable for the Compliance History rating period 9/1/2018 to 8/31/2023

Appendix B

All Investigations Conducted During Component Period January 10, 2019 and January 10, 2024

Item 1*	January 21, 2019**	(1548055)
Item 2*	February 18, 2019**	(1568510)
Item 3	March 20, 2019**	(1568511)
Item 4*	May 20, 2019**	(1589234)
Item 5*	August 20, 2019**	(1602432)
Item 6*	November 20, 2019**	(1616184)
Item 7*	February 21, 2020**	(1643552)
Item 8	April 23, 2020**	(1650098)
Item 9*	April 28, 2020**	(1650099)
Item 10*	July 20, 2020**	(1676505)
Item 11*	July 24, 2020**	(1669537)
Item 12*	August 14, 2020**	(1683293)
Item 13*	September 10, 2020**	(1689862)
Item 14*	October 07, 2020**	(1696178)
Item 15	November 20, 2020**	(1721155)
Item 16*	December 21, 2020**	(1721156)
Item 17*	January 13, 2021**	(1721157)
Item 18	March 15, 2021**	(1734238)
Item 19*	April 09, 2021**	(1734239)
Item 20*	May 20, 2021**	(1744431)
Item 21	June 20, 2021**	(1749051)
Item 22	July 15, 2021**	(1754598)
Item 23*	August 13, 2021**	(1759905)
Item 24*	September 20, 2021**	(1769503)
Item 25*	October 01, 2021**	(1769502)
Item 26*	October 22, 2021**	(1780533)
Item 27	November 20, 2021**	(1786740)
Item 28	January 12, 2022**	(1764024)
Item 29*	March 14, 2022**	(1809248)
Item 30	April 05, 2022**	(1816387)
Item 31*	April 11, 2022**	(1816386)
Item 32*	April 20, 2022**	(1822865)
Item 33*	May 18, 2022**	(1831702)
Item 34*	June 20, 2022**	(1838044)
Item 35*	July 19, 2022**	(1845159)
Item 36*	August 18, 2022**	(1851697)

Item 37*	September 19, 2022**	(1859117)
Item 38*	October 20, 2022**	(1865455)
Item 39*	November 20, 2022**	(1872344)
Item 40*	December 20, 2022**	(1878224)
Item 41*	January 20, 2023**	(1885121)
Item 42*	February 20, 2023**	(1892855)
Item 43	April 03, 2023**	(1901443)
Item 44*	April 19, 2023**	(1908225)

Item 45*	May 19, 2023**	(1915358)
Item 46*	June 20, 2023**	(1922008)
Item 47*	July 20, 2023**	(1928972)
Item 48*	August 20, 2023**	(1935842)
Item 49*	September 20, 2023	(1942082)
Item 50*	October 18, 2023	(1948849)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2018 and 08/31/2023.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
DIAMOND READY MIX, INC.;
RN108785379**

**§
§
§
§
§**

**BEFORE THE

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2022-0119-WQ-E

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

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

FINDINGS OF FACT

1. Respondent owns and operates a concrete production facility located at 5521 Breen Drive in Houston, 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. During record review conducted on September 29, 2021, an investigator documented that Respondent:
 - a. Failed to comply with permitted effluent limitations, as shown in the effluent violation table in Attachment A of this Order; and
 - b. Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, Respondent did not collect and analyze samples for the months of July 2020 and April 2021.
3. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Diamond Ready Mix, Inc." (the "EDPRP") in the TCEQ Chief Clerk's office on July 8, 2024.
4. By letter dated July 8, 2024, sent to Respondent's last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on July 17, 2024, as evidenced by the signature on the card.
5. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG112031, Part III, Permit Requirements, Section A.1.
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to collect and analyze effluent samples at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b) and TPDES General Permit No. TXG112031, Part III, Permit Requirements, Section A.1.
4. As evidenced by Findings of Fact Nos. 3 and 4, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(b)(1).
5. As evidenced by Finding of Fact No. 5, Respondent failed to file a timely answer as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
6. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of \$14,648 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b) and TEX. WATER CODE § 7.053.
8. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of \$14,648 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here.
2. The penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to TCEQ and shall be sent with the notation "Re: Diamond Ready Mix, Inc.; Docket No. 2022-0119-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

3. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, develop and implement procedures and conduct employee training to ensure samples are collected and analyzed in accordance with permit requirements.
 - 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 No. 3.a., in accordance with Ordering Provision No. 3.c.
 - c. Within 20 days after each of the next two monitoring periods in which a discharge occurs, Respondent shall submit a copy of the discharge monitoring report with written certification of compliance with the permitted effluent limitations of TPDES General Permit No. TXG112031, including specific corrective actions that were implemented at the Facility to achieve compliance. The certification shall be signed by 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 fine and imprisonment for knowing violations.”
4. The written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

and:

Water Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452
5. All relief not expressly granted in this Order is denied.
6. The provisions of 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.
7. 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. Extension requests shall be sent to the Enforcement Division at the address listed above.

8. 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.
9. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
10. 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.
11. 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.
12. The Chief Clerk shall provide a copy of this fully executed Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

ATTACHMENT A

Diamond Ready Mix, Inc.
Docket No. 2022-0119-WQ-E
TPDES General Permit No. TXG112031
Case No. 61826

Effluent Violation Table		
	pH Minimum	Total Suspended Solids Daily Maximum Concentration
Monitoring Period	Limit = 6.0 SU	Limit = 65 mg/L
October 2020	3.21	213
February 2021	c	233
May 2021	2.24	c
June 2021	3.27	96

c = compliant SU = standard units mg/L = milligrams per liter

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



UNSWORN DECLARATION OF MARILYN NORROD

"On behalf of the Executive Director of the Texas Commission on Environmental Quality, the 'Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Diamond Ready Mix, Inc.' (the "EDPRP") was filed in the TCEQ Chief Clerk's office on July 8, 2024.

The EDPRP was mailed to Respondent's last known address on July 8, 2024, via certified mail, return receipt requested, postage prepaid. According to the return receipt "green card" Respondent received notice of the EDPRP on July 17, 2024, as evidenced by the signature on the card.

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

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

Executed in Travis County,

State of Texas,

on the 11th day of April, 2025

A handwritten signature in cursive script, appearing to read "Marilyn A. Norrod".

Declarant