Executive Summary – Enforcement Matter – Case No. 61969 CS FRANKE DEVELOPMENT LLC RN111196382 Docket No. 2022-0216-WQ-E

Order Type: 1660 Agreed Order **Findings Order Justification:** N/A Media: WQ **Small Business:** Yes Location(s) Where Violation(s) Occurred: C S Franke Development, 15497 County Road 431, Lindale, Smith County **Type of Operation:** Residential construction site **Other Significant Matters:** Additional Pending Enforcement Actions: No Past-Due Penalties: No Other: N/A Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda. Texas Register Publication Date: December 1, 2023 Comments Received: No

Penalty Information

Total Penalty Assessed: \$20,750 Amount Deferred for Expedited Settlement: \$4,150 Total Paid to General Revenue: \$16,600 Total Due to General Revenue: \$0 Payment Plan: N/A Compliance History Classifications: Person/CN - Unclassified Site/RN - Unclassified Major Source: No Statutory Limit Adjustment: N/A Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): December 16, 2021 **Complaint Information:** Alleged a construction site had failing sediment controls and was discharging sediment into a creek. **Date(s) of Investigation:** December 22, 2021 to January 18, 2022 **Date(s) of NOE(s):** February 18, 2022

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Violation Information

1. Failed to install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. Specifically, sediment controls were not installed at multiple storm drain inlets and silt fences had failed in multiple locations and/or had not been extended to enclose disturbed areas or stockpiled soils [30 TEX. ADMIN. CODE 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR1520EO, Part III, Section G.1].

2. Failed to perform inspections of the Site at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inch or greater. Specifically, the inspection report documented a lapse in inspections ranging from 18 days from June 12, 2021 to June 30, 2021, to as much as a month from August 5, 2021 to October 3, 2021 [30 TEX. ADMIN. CODE 305.125(1) and TPDES General Permit No. TXR1520EO, Part III, Section F.7.(c)].

3. Failed to install and maintain best management practices ("BMPs") at the Site which resulted in a discharge of pollutants into or adjacent to any water in the state. Specifically, the unnamed tributary located along the western and southern boundary of the Site and Cooks Creek had received approximately six to twelve inches of sediment deposition for an approximate distance of 0.78 mile [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and TPDES General Permit No. TXR1520EO, Part III, Section G.1].

4. Failed to install sedimentation basin(s). Specifically, greater than 50 acres of the Site was disturbed prior to constructing the two sedimentation basins depicted on the stormwater pollution prevent plan site map [30 TEX. ADMIN. CODE § 305.125(1), and TPDES General Permit No. TXR1520EO, Part III, Section F.2.(c)(i)(A)(1)].

5. Failed to place velocity dissipation devices at discharge locations and along the length of any outfall channel. Specifically, velocity dissipation devices were not installed at the three stormwater outfalls used to channel stormwater runoff collected from within the Site to the receiving creek [30 TEX. ADMIN. CODE 305.125(1), and TPDES General Permit No. TXR1520EO, Part III, Section F.4.(d)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

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i. Install and begin maintaining sediment controls at all stormwater inlets, repair/replace the failing silt fences, and extend the silt fencing to enclose the disturbed areas and/or stockpiled soils;

ii. Update the operational guidance and conduct employee training to ensure inspections of the Site are performed at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inch or greater;

iii. Install and begin maintaining BMPs at the Site;

iv. Construct the two sedimentation basins depicted on the stormwater pollution prevent plan site map; and

v. Install velocity dissipation devices at the three stormwater outfalls used to channel stormwater runoff collected from within the Site to the receiving creek.

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

Contact Information

TCEQ Attorney: N/A

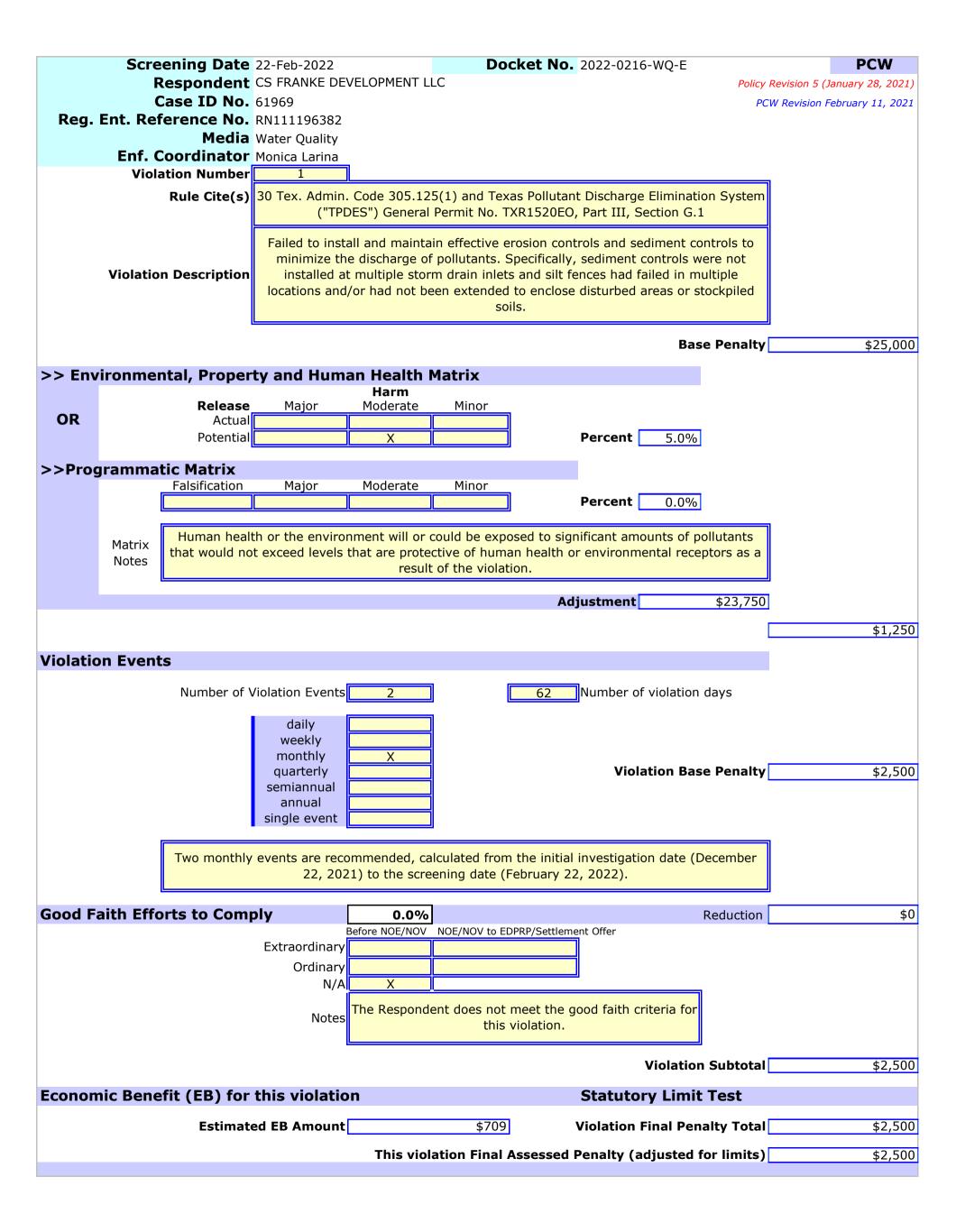
TCEQ Enforcement Coordinator: Monica Larina, Enforcement Division, Enforcement Team 1, MC R-14, (361) 881-6965; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548 **Respondent:** Chad Franke, Owner/Manager, CS FRANKE DEVELOPMENT LLC, 16074 Farm-to-Market 16 West, Lindale, Texas 75771 **Respondent's Attorney:** N/A

AND	Policy Revi	Pe ision 5 (January 28, 2	nalty Calc	ulatio	n Worksh	ieet (PC		vision February 11, 2021
DATES		22-Feb-2022 22-Feb-2022	Screening 22-F	eb-2022	EPA Due]	
Re					Major/M	inor Source	Minor	
CASE I	NFORMATION							
	f./Case ID No.	61969			No. a	f Violations	5	
		2022-0216-WQ-E			-	Order Type		
Med	dia Program(s) Multi-Media				Government		No Monica Larina	
	Marci-Meala				LIIII		Enforcement T	eam 3
Adı	min. Penalty \$ I	Limit Minimum	\$0 Max	imum	\$25,000			
			Penalty C	Calcula	tion Sectio	on		
ΤΟΤΑ	L BASE PENA	LTY (Sum of	violation base	e penalt	ies)		Subtotal 1	\$20,750
ADJU	STMENTS (+	/-) TO SUBTC	TAL 1					
	Subtotals 2-7 are of	tained by multiplying	the Total Base Penalty) by the indicated pe			
	Compliance Hi	story		0.0%	Adjustment	Subto	tals 2, 3, & 7	\$0
	Notes		No adjustment fo	or compliar	nce history.			
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
	Notes	The Res	spondent does not	: meet the	culpability crite	ria.		
	Good Faith Effe	ort to Comply To	otal Adjustments	5			Subtotal 5	\$0
	Economic Ben	efit		0.0%	Enhancement*		Subtotal 6	\$0
	Estimated	Total EB Amounts Cost of Compliance	\$3,285 \$23,250	*Capped	d at the Total EB \$ A	Mount		
SUM (OF SUBTOTA	LS 1-7				F	inal Subtotal	\$20,750
OTHE	R FACTORS A	S JUSTICE M	AY REOUIRE]	0.0%		Adjustment	\$0
		Subtotal by the indic					1	· · ·
	Notes							
						Final Pen	alty Amount	\$20,750
STAT	UTORY LIMIT		T			Final Asse	ssed Penalty	\$20,750
DEFE	RRAL				20.0%	Reduction	Adjustment	-\$4,150
Reduces t	the Final Assessed Pe	nalty by the indicated	percentage.				1	
	Notes	C	eferral offered for	- expedited	d settlement.			
ΡΑΥΑ	BLE PENALT	1						\$16,600

Re	spondent CS FRANKE DEVELOPMENT LLC	Policy Rev	ision 5 (January 28, 202
	se ID No. 61969	PCW R	evision February 11, 202
Reg. Ent. Refer	rence No. RN111196382		
	Media Water Quality		
Enf. Co	ordinator Monica Larina		
	Compliance History Worksheet		
	ory 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%
	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments 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 (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	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%
Ctrici	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per	centage (Sul	btotal 2) 0%
> Repeat Violator	(Subtotal 3)		
No	Adjustment Per	centage (Sul	btotal 3) 0%
	ory Person Classification (Subtotal 7)		
Unclass		centage (Sul	btotal 7) 0%
> Compliance Hist	ory Summary		
Compliance History Notes	No adjustment for compliance history.		
	Total Compliance History Adjustment Percentage (Subtotals 2,	3, & 7) 0%
> Final Compliance	History Adjustment	200 *	
	Final Adjustment Percent	age ∗capped	at 100% 0%

Screening Date 22-Feb-2022 Docket No. 2022-0216-WQ-E

PCW



		conomic		VVOI	rksneet		
Respondent	CS FRANKE DE	EVELOPMENT LLC					
Case ID No.	61969						
Reg. Ent. Reference No.	RN111196382						
	Water Quality						Years of
Violation No.						Percent Interest	Depreciation
violation No.	1						
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$5,000	22-Dec-2021	31-Dec-2023	2.02	\$34	\$675	\$709
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
				0 00	+0		
Other (as needed)	Fatiments of Face			0.00	\$0	n/a	\$0
Other (as needed)				tall and	maintain sedimer	n/a nt controls at all stor	\$0 mwater inlets,
Other (as needed) Notes for DELAYED costs	repair/repla	ice the failing silt	fences, and ext	tall and end the	maintain sedimer silt fencing to end	n/a nt controls at all stor lose the disturbed a	<u>\$0</u> mwater inlets, ireas and/or
· · · · ·	repair/repla	ice the failing silt	fences, and ext	tall and end the estigati	maintain sedimer silt fencing to enc on date, and the f	n/a nt controls at all stor	<u>\$0</u> mwater inlets, ireas and/or
Notes for DELAYED costs	repair/repla stockpiled so	ace the failing silt ils. Date required	fences, and ext	tall and end the estigati complia	maintain sedimer silt fencing to end on date, and the f ance.	n/a nt controls at all stor close the disturbed a final date is the estir	\$0 mwater inlets, ireas and/or nated date of
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	Screening Da	te 22-Feb-2022		Docket No. 2022-0216-WQ-E		PCW
		nt CS FRANKE DE	VELOPMENT LLC			Revision 5 (January 28, 2021)
	Case ID N					V Revision February 11, 2021
Reg.	Ent. Reference N	o. RN111196382				
	Мес	ia Water Quality				
	Enf. Coordinat	or Monica Larina	_			
	Violation Num					n
	Rule Cite	(s) 30 Tex. Admir		and TPDES General Permit No. TXR1 , Section F.7.(c)	520EO, Part	
	Violation Descript	within 24 hour on inspection re	rs of the end of a sto eport documented a l 1 to June 30, 2021,	e Site at least once every 14 calends rm event of 0.5 inch or greater. Spe apse in inspections ranging from 18 to as much as a month from August ctober 3, 2021.	cifically, the days from	
				Ba	ase Penalty	\$25,000
>> Env	vironmental, Pro	perty and Hun	nan Health Matı	rix		
	Relea	se Major	Harm Moderate Min			
OR	Act		Moderate			
	Poter	tial	X	Percent 3.0 ^o	%	
	avananatia Matu					
>>Prog	grammatic Matr i Falsificati		Moderate Min	lor		
				Percent 0.00	%	
						a
				e exposed to insignificant amounts o		
	Notes that would	not exceed levels	result of the	of human health or environmental re e violation.	ceptors as a	
				Adjustment	\$24,250]
				Adjustment	\$24,250	
				Adjustment	\$24,250	
Violatio	on Events			Adjustment	\$24,250	
Violatio		of Violation Events				
Violatio		of Violation Events	1	Adjustment 62 Number of violation		
Violatio		daily	<u> </u>			
Violatio		daily weekly				
Violatio		daily weekly monthly	1	62 Number of violation	on days	\$750
Violatio		daily weekly monthly quarterly semiannual	1	62 Number of violation		\$750
Violatio		daily weekly monthly quarterly semiannual annual		62 Number of violation	on days	\$750
Violatio		daily weekly monthly quarterly semiannual	1	62 Number of violation	on days	\$750
Violatio	Number	daily weekly monthly quarterly semiannual annual single event		62 Number of violation	on days ase Penalty	\$750
Violatio	Number	daily weekly monthly quarterly semiannual annual single event	X mended, calculated f	62 Number of violation	on days ase Penalty	\$750
Violatio	Number	daily weekly monthly quarterly semiannual annual single event	X mended, calculated f	62 Number of violation Violation Ba	on days ase Penalty	\$750
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	Number	daily weekly monthly quarterly semiannual annual single event erly event is recom 2021	X mended, calculated f) to the screening da 0.0% Before NOE/NOV NOE/NO	62 Number of violation Violation Ba	on days ase Penalty	\$750 \$750
	Number	daily weekly monthly quarterly semiannual annual single event erly event is recom 2021	X X Mended, calculated f .) to the screening da O.0% Before NOE/NOV NOE/NO	62 Number of violation Violation Ba from the initial investigation date (De ate (February 22, 2022).	on days ase Penalty ecember 22,	\$750 \$750
	Number	daily weekly monthly quarterly semiannual annual single event erly event is recom 2021	X x <td< th=""><th>62 Number of violation Violation Ba from the initial investigation date (De ate (February 22, 2022).</th><th>on days ase Penalty ecember 22,</th><th>\$750 \$750</th></td<>	62 Number of violation Violation Ba from the initial investigation date (De ate (February 22, 2022).	on days ase Penalty ecember 22,	\$750 \$750
	Number	daily weekly monthly quarterly semiannual annual single event erly event is recom 2021	X x <td< th=""><th>62 Number of violation Violation Ba from the initial investigation date (De ate (February 22, 2022).</th><th>on days ase Penalty ecember 22,</th><th>\$750 \$750</th></td<>	62 Number of violation Violation Ba from the initial investigation date (De ate (February 22, 2022).	on days ase Penalty ecember 22,	\$750 \$750
	Number	daily weekly monthly quarterly semiannual annual single event erly event is recom 2021	mended, calculated f .) to the screening da .) to the screening da	62 Number of violation Violation Bases from the initial investigation date (De ate (February 22, 2022).	on days ase Penalty ecember 22, Reduction	\$750
	Number	daily weekly monthly quarterly semiannual annual single event erly event is recom 2021	mended, calculated f .) to the screening da .) to the screening da	62 Number of violation Violation Base from the initial investigation date (Deate (February 22, 2022).	on days ase Penalty ecember 22, Reduction	\$750
	Number	daily weekly monthly quarterly semiannual annual single event erly event is recom 2021	mended, calculated f .) to the screening da .) to the screening da	62 Number of violation Violation Base from the initial investigation date (Detate (February 22, 2022). OV to EDPRP/Settlement Offer es not meet the good faith criteria for this violation.	on days ase Penalty ecember 22, Reduction	\$750 \$750

Economic Benefit (EB) for this violation	n Statutory Limit Test	
Estimated EB Amount	\$25 Violation Final Penalty Total	\$750
	This violation Final Assessed Penalty (adjusted for limits)	\$750

	Ec	conomic	Benefit	Woi	rksheet		
Respondent	CS FRANKE DE	VELOPMENT LLC					
Case ID No.							
Reg. Ent. Reference No.							
	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		Bate Required					
Item Description	i						
Delayed Costs	; 			7	1		
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	±250	22 Dec 2021	21 Dec 2022	0.00	\$0 \$25	n/a	\$0
Training/Sampling	\$250	22-Dec-2021	31-Dec-2023	2.02	\$25	n/a	\$25
Remediation/Disposal				0.00	\$0 \$0	n/a	\$0 ¢0
Permit Costs				0.00	\$0 \$0	n/a	<u>\$0</u> \$0
Other (as needed)	Estimated Tr	l	aaat ta undata t	0.00		n/a n/a l and conduct employe	
	Estimated II		•	•	-	• •	-
			are performed a		once every 14 cale	nnar navs ann with	
Notes for DELAYED costs	ensure inspec		•			-	
Notes for DELAYED costs			inch or greater	. Date r	•	al investigation date	
Notes for DELAYED costs	the end of a st	torm event of 0.5	inch or greater date is the est	. Date r imated	date of compliance	al investigation date	e, and the final
Notes for DELAYED costs Avoided Costs	the end of a st	torm event of 0.5	inch or greater date is the est	. Date r imated	date of compliance	al investigation date	e, and the final
	the end of a st	torm event of 0.5	inch or greater date is the est	. Date r imated	date of compliance	al investigation date	e, and the final
Avoided Costs	the end of a st	torm event of 0.5	inch or greater date is the est	Date r imated tering 0.00 0.00	date of compliance item (except for \$0 \$0	al investigation date e. one-time avoided \$0 \$0	e, and the final d costs) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	the end of a st	torm event of 0.5	inch or greater date is the est	. Date r imated tering 0.00	date of complianc item (except for \$0 \$0 \$0	al investigation date one-time avoided \$0 \$0 \$0 \$0	e, and the final d costs) \$0 \$0 \$0
Avoided Costs Disposal Personnel	the end of a st	torm event of 0.5	inch or greater date is the est	. Date r imated tering 0.00 0.00 0.00 0.00	date of complianc item (except for \$0 \$0 \$0 \$0 \$0	al investigation date e. one-time avoided \$0 \$0 \$0 \$0 \$0 \$0	e, and the final d costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	the end of a st	torm event of 0.5	inch or greater date is the est	Date r imated tering 0.00 0.00 0.00 0.00 0.00	date of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	al investigation date e. one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	e, and the final d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment	the end of a st	torm event of 0.5	inch or greater date is the est	Date r imated tering 0.00 0.00 0.00 0.00 0.00 0.00	date of compliance item (except for \$0	al investigation date e. one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	e, and the final 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	the end of a st	torm event of 0.5	inch or greater date is the est	Date r imated tering 0.00 0.00 0.00 0.00 0.00	date of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	al investigation date e. one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	e, and the final d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	the end of a st	torm event of 0.5	inch or greater date is the est	Date r imated tering 0.00 0.00 0.00 0.00 0.00 0.00	date of compliance item (except for \$0	al investigation date e. one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	e, and the final 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	the end of a st	torm event of 0.5	inch or greater date is the est	Date r imated tering 0.00 0.00 0.00 0.00 0.00 0.00	date of compliance item (except for \$0	al investigation date e. one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	e, and the final 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	the end of a st	torm event of 0.5	inch or greater date is the est	Date r imated tering 0.00 0.00 0.00 0.00 0.00 0.00	date of compliance item (except for \$0	al investigation date e. one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	e, and the final 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	the end of a st	torm event of 0.5	inch or greater date is the est	Date r imated tering 0.00 0.00 0.00 0.00 0.00 0.00	date of compliance item (except for \$0	al investigation date e. one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	e, and the final 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	the end of a st	torm event of 0.5	inch or greater date is the est	Date r imated tering 0.00 0.00 0.00 0.00 0.00 0.00	date of compliance item (except for \$0	al investigation date e. one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	e, and the final 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	the end of a st	torm event of 0.5	inch or greater date is the est	Date r imated tering 0.00 0.00 0.00 0.00 0.00 0.00	date of compliance item (except for \$0	al investigation date e. one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	e, and the final 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Scree					
_	ning Date		Docket No. 2022-0216-WQ-E		PCW
	-	CS FRANKE DEVELOPMENT L	LC	Policy Revision 5 (Jai	
	se ID No.			PCW Revision Fe	bruary 11, 2021
Reg. Ent. Refe					
		Water Quality			
		Monica Larina			
	ion Number	3 20 Tay Admin Code 5 20	E 12E(1) Tax Water Code & 26 121(2) and		
	Rule Cite(s)		05.125(1), Tex. Water Code § 26.121(a), and hit No. TXR1520EO, Part III, Section G.1	IPDES	
Violation	Description	Failed to install and maint which resulted in a discha state. Specifically, the unna boundary of the Site and C	ain best management practices ("BMPs") at the rge of pollutants into or adjacent to any water med tributary located along the western and s Cooks Creek had received approximately six to position for an approximate distance of 0.78 m	r in the southern o twelve	
			Base	e Penalty	\$25,000
>> Environmon	tal Brana	ty and Human Health	Matrix		
>> Environmen	ital, Prope	ty and Human Health _{Harm}	Mauix		
	Release	Major Moderate	Minor		
OR	Actual	Х			
	Potential		Percent 25.0%		
>>Programmat	ic Matrix				
<i>F</i> F F Ogrammat	Falsification	Major Moderate	Minor		
			Percent 0.0%		
Matrix			n exposed to significant amounts of pollutants		
Notes	not exceed I	-	uman health or environmental receptors as a i he violation.	result of	
L					
			Adjustment	\$18,750	
			Adjustment	\$18,750	+6.250
			Adjustment	\$18,750	\$6,250
Violation Events	5		Adjustment	\$18,750	\$6,250
Violation Events					\$6,250
Violation Events		iolation Events 2	Adjustment 65 Number of violation of		\$6,250
Violation Events					\$6,250
Violation Events		olation Events 2			\$6,250
Violation Events		daily weekly monthlyX	65 Number of violation of	days	
Violation Events		daily weekly monthly X quarterly		days	\$6,250 \$12,500
Violation Events		daily weekly monthly X quarterly semiannual	65 Number of violation of	days	
Violation Events		daily weekly monthly X quarterly	65 Number of violation of	days	
Violation Events		daily weekly monthly X quarterly semiannual annual	65 Number of violation of	days	
Violation Events	Number of N	dailyweeklymonthlyXquarterlysemiannualannualsingle event	65 Number of violation of	days e Penalty	
Violation Events	Number of N	daily weekly monthly X quarterly semiannual annual single event events are recommended, ca	65 Number of violation of Violation Base	days e Penalty	
Violation Events	Number of N	daily weekly monthly X quarterly semiannual annual single event events are recommended, ca	65 Number of violation of Violation Base	days e Penalty	
Violation Events	Number of N	daily weekly monthly X quarterly semiannual annual single event events are recommended, ca 22, 2021) to the scree	65 Number of violation of Violation of Violation description of Violation Base	days e Penalty	
	Number of N	daily weekly monthly X quarterly semiannual annual single event events are recommended, ca 22, 2021) to the scree ply 0.0% Before NOE/NOV	65 Number of violation of Violation description descri	days Penalty cember	\$12,500
	Number of N	daily weekly monthly X quarterly semiannual annual single event 22, 2021) to the scree ply 0.0% Before NOE/NOV Extraordinary	65 Number of violation of Violation of Violation description of Violation Base	days Penalty cember	\$12,500
	Number of N	daily weekly weekly X quarterly X semiannual annual single event 22, 2021) to the scree ply 0.0% Before NOE/NOV Extraordinary 0 Ordinary 0	65 Number of violation of Violation of Violation description of Violation Base	days Penalty cember	\$12,500
	Number of N	daily weekly weekly X quarterly X semiannual annual single event Composition of the screen commended, car 22, 2021) to the screen composition of	65 Number of violation of Violation of Violation Base Advised from the initial investigation date (Dependent of the Section 22, 2022).	days Penalty cember	\$12,500
	Number of N	daily weekly monthly X quarterly semiannual annual single event 22, 2021) to the scree ply 0.0% Before NOE/NOV Extraordinary Ordinary N/A X The Respond	65 Number of violation of Violation Base Violation Base alculated from the initial investigation date (Detening date (February 22, 2022). Image: NOE/NOV to EDPRP/Settlement Offer Image: NOE/NOV to EDPRP/Settlement Offer Image: Noes not meet the good faith criteria for	days Penalty cember	\$12,500
	Number of N	daily weekly weekly X quarterly X semiannual annual single event Composition of the screen commended, car 22, 2021) to the screen composition of	65 Number of violation of Violation of Violation Base Advised from the initial investigation date (Dependent of the Section 22, 2022).	days Penalty cember	\$12,500
	Number of N	daily weekly monthly X quarterly semiannual annual single event 22, 2021) to the scree ply 0.0% Before NOE/NOV Extraordinary Ordinary N/A X The Respond	65 Number of violation of Violation Base Violation Base alculated from the initial investigation date (Detening date (February 22, 2022). Image: NOE/NOV to EDPRP/Settlement Offer Image: NOE/NOV to EDPRP/Settlement Offer Image: Noes not meet the good faith criteria for	days e Penalty ceember Reduction	\$12,500

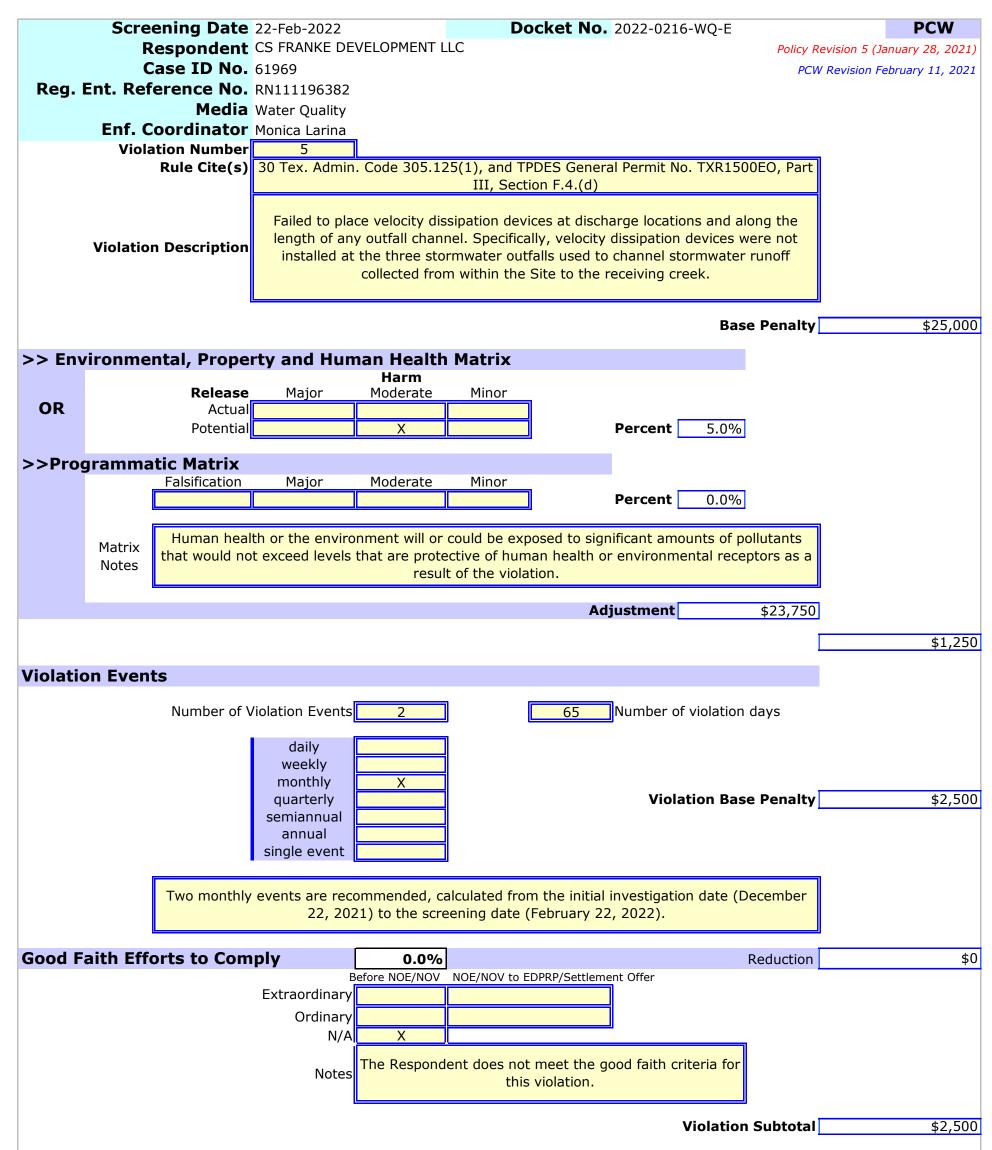
Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	\$709 Violation Final Penalty Total \$12,500
	This violation Final Assessed Penalty (adjusted for limits) \$12,500

		conomic	Denent		NJILCU		
		EVELOPMENT LLC					
Case ID No.							
leg. Ent. Reference No.							
Media	Water Quality					Percent Interest	Years of
Violation No.	3					Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Vrs	Interest Saved	Costs Saved	EB Amount
Item Deservintion		Date Required	That Date	113	Interest Saved		ED Amount
Item Description	1						
Delayed Costs	, I 	<u>u</u>				· - · -	
Equipment		<u> </u>		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	+ 5 000	<u> </u>	21 5 2022	0.00	\$0	\$0	\$0
Engineering/Construction	\$5,000	22-Dec-2021	31-Dec-2023	2.02	\$34	\$675	\$709
Land		<u> </u>		0.00	\$0	n/a	\$0
Record Keeping System		<u> </u>		0.00	\$0 ¢0	n/a	\$0 \$0
Training/Sampling				0.00	\$0 \$0	n/a	<u>\$0</u> \$0
Remediation/Disposal Permit Costs				0.00	\$0 \$0	n/a n/a	<u> </u>
Other (as needed)				0.00	\$0	n/a	<u> </u>
Notes for DELAYED costs						at the Site. Date re d date of compliance	•
Avoided Costs	ANNUA	LIZE avoided co	osts before en	tering	item (except for	one-time avoided	
Avoided Costs Disposal	ANNU	ALIZE avoided co	osts before en	tering	item (except for \$0	one-time avoided	
		LIZE avoided c	osts before en				d costs)
Disposal Personnel	ANNU/	ALIZE avoided c	osts before en	0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0	d costs) \$0 \$0 \$0 \$0
Disposal Personnel	ANNU/	ALIZE avoided co	osts before en	0.00	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	d costs) \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling	ANNU/	LIZE avoided co	osts before en	0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	ANNU/	ALIZE avoided co	osts before en	0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	ANNU/	ALIZE avoided co	osts before en	0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	ANNU/		osts before en	0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

	Screening D	te 22-Feb-2022	Docket	No. 2022-0216-WQ-E	P	CW
	Responde	nt CS FRANKE DEVELOPM	ENT LLC		Policy Revision 5 (January 2	28, 2021)
	Case ID				PCW Revision February	11, 2021
Reg. En		O. RN111196382				
		a Water Quality				
	Enf. Coordina Violation Num					
	Rule Cite	s) 30 Tex. Admin. Code	§ 305.125(1), and TPDI Part III, Section F.2.	ES General Permit No. TXR152 (c)(i)(A)(1)	20EO,	
Vi	iolation Descrip	on Site was disturbed prie		fically, greater than 50 acres ov vo sedimentation basins depictivent plan site map.		
				Base P	enalty \$	\$25,000
>> Envire	onmental, Pro	perty and Human He	ealth Matrix			
	Rele	Har Major Moder				
OR		se Major Moder Jal	rate Minor			
	Pote	ial X		Percent 5.0%		
		-				
>>Progra	ammatic Matr Falsificat		rate Minor			
				Percent 0.0%		
Ν				to significant amounts of pollu alth or environmental recepto		
٢	Notes		result of the violation.			
	L					
				Adjustment \$	23,750	
						\$1,250
Violation	Evente				_	
violation	Events					
	Number	of Violation Events 2	6	5 Number of violation day	ys	
		d= 16 c				
		daily weekly				
		monthly X				
		quarterly		Violation Base P	enalty	\$2,500
		semiannual annual				
		single event				
	Two mor	-	-	initial investigation date (Dece	ember	
		22, 2021) to th	e screening date (Febru	ary 22, 2022).		
0 1 - 1						
Good Fait	th Efforts to C		0.0%	Red	duction	\$0
		Before NOF		Settlement Offer		
		Before NOE Extraordinary	E/NOV NOE/NOV to EDPRP/S	Settlement Offer		
			E/NOV NOE/NOV to EDPRP/S	Settlement Offer		
		Extraordinary	E/NOV NOE/NOV to EDPRP/S	Settlement Offer		
		Extraordinary Ordinary N/A X				
		Extraordinary Ordinary N/A X		the good faith criteria for		
		Extraordinary Ordinary N/A X	spondent does not meet	the good faith criteria for		

Economic Benefit (EB) for this violation	n Statutory Limit Test
Estimated EB Amount	\$1,417 Violation Final Penalty Total \$2,500
	This violation Final Assessed Penalty (adjusted for limits) \$2,500

Case ID No. eg. Ent. Reference No.							
	Water Quality					Percent Interest	Years of Depreciation
						5.0	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$10,000	22-Dec-2021	31-Dec-2023	2.02	\$67	\$1,350	\$1,417
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
						entation basins depi	
Notes for DELAYED costs	stormwater	pollution prevent	plan site map. date is the est	Date red imated	quired is the initial date of complianc	investigation date, e.	and the final
Notes for DELAYED costs Avoided Costs Disposal	stormwater	pollution prevent	plan site map. date is the est	Date red imated	quired is the initial date of complianc item (except for	investigation date,	and the final
Avoided Costs	stormwater	pollution prevent	plan site map. date is the est	Date regimated	quired is the initial date of complianc	investigation date, e. one-time avoided	and the final
Avoided Costs Disposal	stormwater	pollution prevent	plan site map. date is the est	Date red imated tering 0.00	quired is the initial date of complianc item (except for \$0	investigation date, e. one-time avoided \$0	and the final d costs) \$0
Avoided Costs Disposal Personnel	stormwater	pollution prevent	plan site map. date is the est	Date rec imated tering 0.00 0.00	quired is the initial date of complianc item (except for \$0 \$0	investigation date, e. one-time avoided \$0 \$0	and the final d costs) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	stormwater	pollution prevent	plan site map. date is the est	Date regimated imated tering 0.00 0.00 0.00	quired is the initial date of complianc item (except for \$0 \$0 \$0	investigation date, e. one-time avoided \$0 \$0 \$0 \$0	and the final d costs) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment	stormwater	pollution prevent	plan site map. date is the est	Date rec imated tering 0.00 0.00 0.00 0.00	quired is the initial date of complianc item (except for \$0 \$0 \$0 \$0 \$0	one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	and the final d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	stormwater	pollution prevent	plan site map. date is the est	Date rec imated tering 0.00 0.00 0.00 0.00 0.00	quired is the initial date of complianc item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	investigation date, e. one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	and the final (costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0



Economic Benefit (EB) for this violation	n Statutory Limit Test
Estimated EB Amount	\$425 Violation Final Penalty Total \$2,500
	This violation Final Assessed Penalty (adjusted for limits) \$2,500

	CS FRANKE DE	EVELOPMENT LLC					
Case ID No.							
leg. Ent. Reference No.							
	Water Quality					Percent Interest	Years of
Violation No.	5						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
item Description							
Delawed Cente							
Delayed Costs	1				±0		#0
Equipment		 		0.00	\$0	\$0 \$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$3,000	22-Dec-2021	31-Dec-2023	0.00	\$0 \$20	\$0 \$405	<u>\$0</u> \$425
Engineering/Construction Land	\$3,000	Dec-2021	31-Dec-2023	0.00	\$20		\$425
Record Keeping System				0.00	\$0	n/a n/a	<u> </u>
Training/Sampling		<u> </u>		0.00	\$0	n/a	<u> </u>
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	-			0.00	\$0	n/a	<u> </u>
				0.00	40		
Other (as needed)						n/a devices at the three	\$0 e stormwater
Other (as needed) Notes for DELAYED costs	outfalls use	ed to channel stor	mwater runoff o	install v	elocity dissipation from within the S	n/a	\$0 e stormwater creek. Date
	outfalls use required	ed to channel stor I is the initial inve	mwater runoff ostigation date,	install v collected and the	elocity dissipation I from within the S final date is the e	n/a devices at the three Site to the receiving	\$0 e stormwater creek. Date npliance.
Notes for DELAYED costs	outfalls use required	ed to channel stor I is the initial inve	mwater runoff ostigation date,	install v collected and the	elocity dissipation I from within the S final date is the e	n/a devices at the three Site to the receiving stimated date of cor	\$0 e stormwater creek. Date npliance.
Notes for DELAYED costs Avoided Costs	outfalls use required	ed to channel stor I is the initial inve	mwater runoff ostigation date,	install v collected and the tering 0.00	elocity dissipation from within the S final date is the es item (except for \$0 \$0	n/a devices at the three Site to the receiving stimated date of cor one-time avoided \$0 \$0	\$0 e stormwater creek. Date npliance. d costs) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel	outfalls use required	ed to channel stor I is the initial inve	mwater runoff ostigation date,	install v collected and the tering 0.00 0.00 0.00	elocity dissipation from within the S final date is the es item (except for \$0 \$0 \$0 \$0	n/a devices at the three site to the receiving stimated date of cor one-time avoided \$0 \$0 \$0 \$0	\$0 e stormwater creek. Date npliance. d costs) \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment	outfalls use required	ed to channel stor I is the initial inve	mwater runoff ostigation date,	install v collected and the 0.00 0.00 0.00 0.00	elocity dissipation from within the S final date is the es item (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a devices at the three site to the receiving stimated date of cor one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 e stormwater creek. Date npliance. 1 costs) \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	outfalls use required	ed to channel stor I is the initial inve	mwater runoff ostigation date,	install v collected and the 0.00 0.00 0.00 0.00 0.00 0.00	elocity dissipation from within the S final date is the est item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a devices at the three site to the receiving stimated date of cor one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 e stormwater creek. Date npliance. d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	outfalls use required	ed to channel stor I is the initial inve	mwater runoff ostigation date,	install v collected and the tering 0.00 0.00 0.00 0.00 0.00 0.00	elocity dissipation from within the S final date is the es item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a devices at the three bite to the receiving stimated date of cor one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 e stormwater creek. Date npliance. d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	outfalls use required	ed to channel stor I is the initial inve	mwater runoff ostigation date,	install v collected and the 0.00 0.00 0.00 0.00 0.00 0.00	elocity dissipation from within the S final date is the est item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a devices at the three site to the receiving stimated date of cor one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 e stormwater creek. Date npliance. d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
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The TCEQ is committed to accessibility. To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN605860378, RN111196382, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator:		CN605860378, CS Franke Development Classification: UNCLASSIFIED Ratin								
Re	gulated Entity:	I Entity: RN111196382, C S FRANKE Classification: UNCLASSIFIED DEVELOPMENT		Rating:						
Со	mplexity Points:	5	Repeat Violator: NO							
СН	Group:	14 - Other								
Loc	cation:	15497 COUNTY ROAD 431 LINDALE, TX 75771-7719, SMITH COUNTY								
TCI	EQ Region:	REGION 05 - TYLER								
	ID Number(s): STORMWATER PERMIT TXR1520E0									
Со	mpliance History Perio	od: September 01, 2017 to August 31, 2	022 Rating Year: 2022 Ra	ting Date: 09/01/2022						
Dat	te Compliance History	Report Prepared: June 06, 2023								
Ag	ency Decision Requiri	ng Compliance History:	ent							
Со	mponent Period Selec	ted: June 06, 2018 to June 06, 2023								
тсі	EQ Staff Member to Co	ontact for Additional Information	Regarding This Compliance Histo	ory.						
	Name: Monica Larina		Phone: (512) 239-0184							
2) H <u>Co</u> A.	las there been a (known) c mponents (Multime	ce and/or operation for the full five year co change in ownership/operator of the site do edia) for the Site Are Listed in S adgments, and consent decrees:	uring the compliance period? NO							
C.	. Chronic excessive emissions events: N/A									
D.	D. The approval dates of investigations (CCEDS Inv. Track. No.): N/A									
E.	 Written notices of violations (NOV) (CCEDS Inv. Track. No.): A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred. N/A 									
F.	Environmental audits N/A	5:								
G.	Type of environment N/A	al management systems (EMSs):								

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



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IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING CS FRANKE DEVELOPMENT LLC RN111196382

BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-0216-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 CS FRANKE DEVELOPMENT LLC (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 residential construction site located at 15497 County Road 431 in Lindale, Smith 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 \$20,750 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$16,600 of the penalty and \$4,150 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 conducted on December 22, 2021 to January 18, 2022, an investigator documented that the Respondent:

- Failed to install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants, in violation of 30 TEX. ADMIN. CODE 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR1520EO, Part III, Section G.1. Specifically, sediment controls were not installed at multiple storm drain inlets and silt fences had failed in multiple locations and/or had not been extended to enclose disturbed areas or stockpiled soils.
- 2. Failed to perform inspections of the Site at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inch or greater, in violation of 30 TEX. ADMIN. CODE 305.125(1) and TPDES General Permit No. TXR1520EO, Part III, Section F.7.(c). Specifically, the inspection report documented a lapse in inspections ranging from 18 days from June 12, 2021 to June 30, 2021, to as much as a month from August 5, 2021 to October 3, 2021.
- 3. Failed to install and maintain best management practices ("BMPs") at the Site which resulted in a discharge of pollutants into or adjacent to any water in the state, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and TPDES General Permit No. TXR1520EO, Part III, Section G.1. Specifically, the unnamed tributary located along the western and southern boundary of the Site and Cooks Creek had received approximately six to twelve inches of sediment deposition for an approximate distance of 0.78 mile.
- Failed to install sedimentation basin(s), in violation of 30 TEX. ADMIN. CODE
 § 305.125(1), and TPDES General Permit No. TXR1520EO, Part III, Section
 F.2.(c)(i)(A)(1). Specifically, greater than 50 acres of the Site was disturbed prior to constructing the two sedimentation basins depicted on the stormwater pollution prevent plan site map.

5. Failed to place velocity dissipation devices at discharge locations and along the length of any outfall channel, in violation of 30 TEX. ADMIN. CODE 305.125(1), and TPDES General Permit No. TXR1520EO, Part III, Section F.4.(d). Specifically, velocity dissipation devices were not installed at the three stormwater outfalls used to channel stormwater runoff collected from within the Site to the receiving creek.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: CS FRANKE DEVELOPMENT LLC, Docket No. 2022-0216-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 after the effective date of this Order:
 - i. Install and begin maintaining sediment controls at all stormwater inlets, repair/replace the failing silt fences, and extend the silt fencing to enclose the disturbed areas and/or stockpiled soils;
 - ii. Update the operational guidance and conduct employee training to ensure inspections of the Site are performed at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inch or greater;
 - iii. Install and begin maintaining BMPs at the Site;
 - iv. Construct the two sedimentation basins depicted on the stormwater pollution prevent plan site map; and
 - v. Install velocity dissipation devices at the three stormwater outfalls used to channel stormwater runoff collected from within the Site to the receiving creek.

CS FRANKE DEVELOPMENT LLC DOCKET NO. 2022-0216-WQ-E Page 4

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 through 2.a.v. 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:

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

with a copy to:

Water Section Manager Tyler Regional Office Texas Commission on Environmental Quality 2916 Teague Drive Tyler, Texas 75701-3734

- 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 Order Compliance Team 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.

CS FRANKE DEVELOPMENT LLC DOCKET NO. 2022-0216-WQ-E Page 6

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Date

12/22/2023

For the Executive Director

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

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

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

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

1 3. 2025

Name (Printed or typed) Authorized Representative of CS FRANKE DEVELOPMENT LLC

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