

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 62167  
**Bowles Sand & Gravel, Inc.**  
RN105924674  
Docket No. 2022-0405-WQ-E

**Order Type:**  
Agreed Order

**Media:**  
MLM: APO and WQ

**Small Business:**  
Yes

**Location Where Violations Occurred:**  
200 Sandtown Road, Avalon, Ellis County

**Type of Operation:**  
aggregate production operation

**Other Significant Matters:**

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

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

**Comments Received:** None

**Penalty Information**

<b>Total Penalty Assessed:</b>	\$72,789
<b>Total Paid to General Revenue:</b>	\$2,054
<b>Total Due to General Revenue:</b>	\$70,735

Payment Plan: 35 payments of \$2,021 each

**Compliance History Classifications:**

- Person/CN - Unclassified
- Site/RN - Unclassified

<b>Major Source:</b>	No
<b>Statutory Limit Adjustment:</b>	\$8,491 (enhancement)
<b>Applicable Penalty Policy:</b>	January 28, 2021

**Investigation Information**

<b>Complaint Date:</b>	N/A
<b>Date of Investigation:</b>	March 1, 2022
<b>Date of NOV:</b>	N/A
<b>Date of NOE:</b>	March 29, 2022

**Bowles Sand & Gravel, Inc.**

RN105924674

Docket No. 2022-0405-WQ-E

**Violation Information**

1. Failed to register the Site as an aggregate production operation (“APO”) annually as regulated activities continued [30 TEX. ADMIN. CODE § 342.25].
2. Failed to maintain authorization to discharge stormwater associated with industrial activities [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 281.25(a)(4), and 40 C.F.R. § 122.26(c)].

**Corrective Actions/Technical Requirements****Corrective Actions Completed:**

None

**Technical Requirements:**

1. Within 30 days:
  - a. Register the Site as an APO through the State of Texas Environmental Electronic Reporting System (“STEERS”);
  - b. Develop and implement a stormwater pollution prevention plan to comply with the requirements of Texas Pollutant Discharge Elimination System Multi-Sector General Permit No. TXR050000; and
  - c. Submit a Notice of Intent through STEERS to obtain authorization to discharge stormwater.
2. Within 45 days submit written certification to demonstrate compliance with Technical Requirement Nos. 1.a. through 1.c.

**Litigation Information**

<b>Date Petition Filed:</b>	February 13, 2025
<b>Dates of Service:</b>	February 26, 2025
<b>Date Answer Filed:</b>	March 4, 2025
<b>SOAH Referral Date:</b>	April 11, 2025
<b>Hearing Dates:</b>	
Preliminary hearing:	June 12, 2025
Evidentiary hearing:	November 13, 2025 (abated)
<b>Settlement Date:</b>	November 7, 2025

**Contact Information**

**TCEQ Attorneys:** William Hogan, 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:** Monica Larina, Enforcement Division, (512) 239-0184

**TCEQ Regional Contact:** Brent Candler, Dallas/Fort Worth Regional Office, (817) 588-5800

**Respondent Contact:** Travis Barrington, Bowles Sand & Gravel, Inc., 3080 South Beltline Road, Dallas, Texas 75253

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	4-Apr-2022	<b>Screening</b>	5-Apr-2022	<b>EPA Due</b>	
	<b>PCW</b>	28-Feb-2024				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Bowles Sand & Gravel, Inc.
<b>Reg. Ent. Ref. No.</b>	RN105924674
<b>Facility/Site Region</b>	4-Dallas/Fort Worth
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>					
<b>Enf./Case ID No.</b>	62167	<b>No. of Violations</b>	1		
<b>Docket No.</b>	2022-0405-WQ-E	<b>Order Type</b>	1660		
<b>Media Program(s)</b>	Aggregate Production Operation	<b>Government/Non-Profit</b>	No		
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Madison Stringer		
		<b>EC's Team</b>	Enforcement Team 1		
<b>Admin. Penalty \$ Limit Minimum</b>	\$5,000	<b>Maximum</b>	\$20,000	<b>Violation Maximum</b>	\$40,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$8,000</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	<b>0.0%</b> Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$0</b>
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Notes: No adjustment for Compliance History.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
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<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$3,635  
 Estimated Cost of Compliance: \$4,195  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$8,000</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>43.9%</b> Adjustment	<b>\$3,509</b>
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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 the violation.

<b>Final Penalty Amount</b>	<b>\$11,509</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$20,000</b>
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Notes: The final assessed penalty has been adjusted to meet the statutory requirements of Tex. Water Code § 28A.102.

<b>DEFERRAL</b>	<b>0.0%</b> Reduction	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$20,000</b>
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<b>Screening Date</b>	5-Apr-2022	<b>Docket No.</b>	2022-0405-WQ-E	<b>PCW</b>
<b>Respondent</b>	Bowles Sand & Gravel, Inc.			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	62167			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN105924674			
<b>Media</b>	Aggregate Production Operation			
<b>Enf. Coordinator</b>	Madison Stringer			

### Compliance History Worksheet

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

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 0%

>> **Repeat Violator (Subtotal 3)**

No

**Adjustment Percentage (Subtotal 3)** 0%

>> **Compliance History Person Classification (Subtotal 7)**

Unclassified

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

No adjustment for Compliance History.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 0%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 0%

<b>Screening Date</b>	5-Apr-2022	<b>Docket No.</b>	2022-0405-WQ-E	<b>PCW</b>
<b>Respondent</b>	Bowles Sand & Gravel, Inc.			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	62167			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN105924674			
<b>Media</b>	Aggregate Production Operation			
<b>Enf. Coordinator</b>	Madison Stringer			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	<b>Percent</b> <input type="text" value="10.0%"/>
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events        Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>

**Notes**

**Violation Subtotal**

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <input type="text" value="\$3,635"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$11,509"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$20,000"/>	

## Economic Benefit Worksheet

**Respondent** Bowles Sand & Gravel, Inc.  
**Case ID No.** 62167  
**Reg. Ent. Reference No.** RN105924674  
**Media** Aggregate Production Operation  
**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	\$790	22-Aug-2021	26-Oct-2024	3.18	\$126	n/a	\$126
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to register the Site as an APO. Date Required is the date the last registration renewal was due, and the Final Date is the estimated date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$3,405	22-Aug-2021	5-Apr-2022	0.62	\$104	\$3,405	\$3,509
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Estimated avoided cost to renew the APO registration (\$790 per annual registration fee x four missed registrations) and associated interest. The Date Required is the date the last registration renewal was due, and the Final Date is the screening date.

**Approx. Cost of Compliance**

\$4,195

**TOTAL**

\$3,635



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	4-Apr-2022	<b>Screening</b>	5-Apr-2022	<b>EPA Due</b>	
	<b>PCW</b>	28-Feb-2024				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Bowles Sand & Gravel, Inc.
<b>Reg. Ent. Ref. No.</b>	RN105924674
<b>Facility/Site Region</b>	4-Dallas/Fort Worth
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	62167	<b>No. of Violations</b>	1
<b>Docket No.</b>	2022-0405-WQ-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Madison Stringer
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$52,500
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	0.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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Notes: No adjustment for Compliance History.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$655  
 Estimated Cost of Compliance: \$2,980  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$52,500
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.6%	Adjustment	\$289
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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 the violation.

<b>Final Penalty Amount</b>	\$52,789
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$52,789
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<b>DEFERRAL</b>	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$52,789
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<b>Screening Date</b>	5-Apr-2022	<b>Docket No.</b>	2022-0405-WQ-E	<b>PCW</b>
<b>Respondent</b>	Bowles Sand & Gravel, Inc.			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	62167			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN105924674			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Madison Stringer			

### Compliance History Worksheet

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

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 0%

**>> Repeat Violator (Subtotal 3)**

No

**Adjustment Percentage (Subtotal 3)** 0%

**>> Compliance History Person Classification (Subtotal 7)**

Unclassified

**Adjustment Percentage (Subtotal 7)** 0%

**>> Compliance History Summary**

**Compliance History Notes** No adjustment for Compliance History.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 0%

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 0%

<b>Screening Date</b>	5-Apr-2022	<b>Docket No.</b>	2022-0405-WQ-E	<b>PCW</b>
<b>Respondent</b>	Bowles Sand & Gravel, Inc.			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	62167			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN105924674			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Madison Stringer			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="10.0%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>

**Notes**

**Violation Subtotal**

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount**  **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Bowles Sand & Gravel, Inc.  
**Case ID No.** 62167  
**Reg. Ent. Reference No.** RN105924674  
**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	\$255	1-Mar-2022	26-Oct-2024	2.66	\$34	n/a	\$34
Other (as needed)	\$2,500	1-Mar-2022	26-Oct-2024	2.66	\$332	n/a	\$332

**Notes for DELAYED costs**

Estimated Other cost to develop and implement a stormwater pollution prevention plan and submit a copy of a Notice of Intent ("NOI") to obtain authorization to discharge stormwater associated with industrial activities. The Date Required is the investigation date, and the Final Date is the estimated date of compliance.

Actual Permit Cost to submit an NOI to obtain authorization to discharge industrial stormwater. The Date Required is the investigation date, and the Final Date is the estimated date of compliance.

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)	\$225	12-Feb-2017	5-Apr-2022	5.15	\$64	\$225	\$289

**Notes for AVOIDED costs**

Actual Other Cost to submit an NOI to renew the permit. The Date Required is the permit application grace period end date and the Final Date is the screening date.

<b>Approx. Cost of Compliance</b>	\$2,980	<b>TOTAL</b>	\$655
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# Compliance History Report

Compliance History Report for CN603668625, RN105924674, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

**Customer, Respondent, or Owner/Operator:** CN603668625, Bowles Sand & Gravel, Inc. **Classification:** UNCLASSIFIED **Rating:** -----

**Regulated Entity:** RN105924674, AVALON WASH PLANT **Classification:** UNCLASSIFIED **Rating:** -----

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

**CH Group:** 04 - Mining

**Location:** 200 Sandtown Road in Avalon, Ellis County, Texas

**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):**  
**AIR NEW SOURCE PERMITS REGISTRATION** 92483

**Compliance History Period:** September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

**Date Compliance History Report Prepared:** April 04, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** April 04, 2017 to April 04, 2022

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Ellen Ojeda **Phone:** (512) 239-2581

## 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 18, 2018 (1461172)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**  
A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.  
N/A

**F. Environmental audits:**  
N/A

**G. Type of environmental management systems (EMSs):**  
N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

**Component Appendices**

**Appendix A**

**All NOVs Issued During Component Period 4/4/2017 and 4/4/2022**

- |   |                            |                 |   |
|---|----------------------------|-----------------|---|
| 1 | Date: 07/25/2017 (1422834) |                 |   |
|   | Self Report? NO            | Classification: | Moderate  |
|   | Citation:                  |                 |   |
|   |                            |                 | 30 TAC Chapter 342, SubChapter B 342.25<br>30 TAC Chapter 342, SubChapter B 342.25(a)<br>30 TAC Chapter 342, SubChapter B 342.25(b)<br>30 TAC Chapter 342, SubChapter B 342.25(c)<br>30 TAC Chapter 342, SubChapter B 342.25(d)<br>30 TAC Chapter 342, SubChapter B 342.25(e)<br>30 TAC Chapter 342, SubChapter B 342.25(f) |
|   | Description:               |                 | Failure to renew APO registration.  |
|   |                            |                 |   |
| 2 | Date: 08/29/2017 (1435706) |                 |   |
|   | Self Report? NO            | Classification: | Moderate  |
|   | Citation:                  |                 |   |
|   |                            |                 | 30 TAC Chapter 342, SubChapter B 342.25<br>30 TAC Chapter 342, SubChapter B 342.25(a)<br>30 TAC Chapter 342, SubChapter B 342.25(b)<br>30 TAC Chapter 342, SubChapter B 342.25(c)<br>30 TAC Chapter 342, SubChapter B 342.25(d)<br>30 TAC Chapter 342, SubChapter B 342.25(e)<br>30 TAC Chapter 342, SubChapter B 342.25(f) |
|   | Description:               |                 | Failure to renew APO registration.  |

\* NOVs applicable for the Compliance History rating period 9/1/2016 to 8/31/2021

**Appendix B**

**All Investigations Conducted During Component Period April 04, 2017 and April 04, 2022**

- |         |                    |           |
|---------|--------------------|-----------|
| Item 1  | July 21, 2017**    | (1422834) |
| Item 2  | August 28, 2017**  | (1435706) |
| Item 3* | January 18, 2018** | (1461172) |
| Item 4  | March 28, 2022     | (1802357) |

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2016 and 08/31/2021.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT  
ACTION CONCERNING  
BOWLES SAND & GRAVEL, INC.;  
RN105924674

§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER

DOCKET NO. 2022-0405-WQ-E

### I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Bowles Sand & Gravel, Inc. ("Respondent") under the authority of TEX. WATER CODE chs. 7, 26, and 28A. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent together stipulate that:

1. Under terms defined in TEX. WATER CODE § 28A.001, Respondent is a responsible party because it is an owner and operator of an aggregate production operation ("APO") located at 200 Sandtown Road near Avalon, Ellis County, Texas (the "Site"), where aggregates are being or have been removed or extracted from the Site's earth. The Site is also near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001.
2. The Executive Director and Respondent agree that TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE chs. 26 and 28A and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$72,789 is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid \$2,054 of the penalty. The remaining amount of \$70,735 shall be paid in 35 monthly payments of \$2,021 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Order, including the payment schedule, the Executive Director may, at her option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Order.
5. The Executive Director and Respondent agree on a settlement of the matters addressed in this Order, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
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 Respondent has not complied with one or more of the terms or conditions contained 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 full compliance with all the terms and conditions set forth in this Order, whichever is later.

## II. ALLEGATIONS

1. During an investigation conducted on and around March 1, 2022, an investigator documented that Respondent:
  - a. Failed to register the Site as an APO annually as regulated activities continued, in violation of 30 TEX. ADMIN. CODE § 342.25. Specifically, APO Registration No. AP0002402 expired on August 22, 2018, and Respondent continued to operate; and
  - b. Failed to maintain authorization to discharge stormwater associated with industrial activities, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 281.25(a)(4), and 40 C.F.R. § 122.26(c). Specifically, authorization under Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR05BH63 expired on November 14, 2016, and Respondent continued to operate.

## III. DENIALS

Respondent generally denies each Allegation in Section II.

## IV. ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Section I, Paragraph 4. The payment of this penalty and Respondent's compliance with all of the requirements set forth in this Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here. Penalty payments shall be made payable to TCEQ and shall be sent with the notation "Re: Bowles Sand & Gravel, Inc., Docket No. 2022-0405-WQ-E" to:

Financial Administration Division  
Revenue Operations Section  
Texas Commission on Environmental Quality  
Attention: Cashier's Office, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088
2. Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order:
    - i. Register the Site as an APO through the State of Texas Environmental Electronic Reporting System ("STEERS");
    - ii. Develop and implement a stormwater pollution prevention plan to comply with the requirements of TPDES Multi-Sector General Permit No. TXR050000; and
    - iii. Submit a Notice of Intent through STEERS to obtain authorization to discharge stormwater.

- b. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.a.iii. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, 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.”

The written certification 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  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon Respondent. 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. 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.
6. 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.
7. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction or of a rule adopted or an order or permit issued by the TCEQ under such a statute.
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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

\_\_\_\_\_  
Date

Phillip Ledbetter  
\_\_\_\_\_  
For the Executive Director

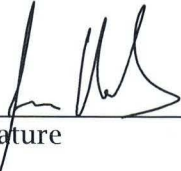
12/19/2025  
\_\_\_\_\_  
Date

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

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

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

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

  
Signature

NOV-7-2025  
Date

JOSE HUERTO MEDINA  
Name (Printed or typed)  
Authorized Representative of Bowles Sand & Gravel, Inc.  
3080 South Beltline Road  
Dallas, Texas 75253

PRESIDENT  
Title

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

\_\_\_\_\_