

Executive Summary – Enforcement Matter – Case No. 62540
Quality Readymix, Ltd., L.L.P.
RN102802766
Docket No. 2022-0792-WQ-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

WQ

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Quality Ready Mix, 333 McBride Lane, Corpus Christi, Nueces County

Type of Operation:

Concrete batch plant

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: August 16, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$10,850

Amount Deferred for Expedited Settlement: \$2,170

Total Paid to General Revenue: \$8,680

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): April 6, 2022

Complaint Information: Alleged the facility was releasing concrete dust into the air and disposing of concrete dust into the public roadway and into the storm drain.

Date(s) of Investigation: April 8, 2022

Date(s) of NOE(s): June 7, 2022

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Violation Information

1. Failed to collect and analyze conventional pollutant samples at the intervals specified in the permit. Specifically, the Respondent did not collect and analyze the flow sample for the month of July 2021 and the flow, oil and grease, total suspended solids, and pH samples for the month of April 2022 [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b) and Texas Pollutant Discharge Elimination System ("TPDES") General Permit ("GP") No. TXG113019, Part III.A.1].
2. Failed to collect and analyze whole effluent toxicity ("WET") samples at the intervals specified in the permit. Specifically, the Respondent did not collect and analyze WET samples for the 2021 calendar year [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b) and TPDES GP No. TXG113019, Part III.A.5].
3. Failed to properly analyze effluent samples according to the permit. Specifically, the Respondent did not analyze a pH sample collected on July 7, 2021, within the 15-minute maximum holding time [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(b) and (c) and TPDES GP No. TXG113019, Part IV.7.c].
4. Failed to accurately report monitoring activities. Specifically, the Respondent reported no discharge for July 2021 in NetDMR but there was a discharge event on July 7, 2021 [30 TEX. ADMIN. CODE § 305.125(1) and (12) and TPDES GP No. TXG113019, Part IV.7.f].
5. Failed to timely submit monitoring results at intervals specified in the permit. Specifically, the discharge monitoring reports ("DMRs") for April through December 2021 and January and February 2022 were not submitted by the 20th day of the following month. Additionally, the hazardous metals monitoring results for 2021 were not submitted by March 31, 2022 [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES GP No. TXG113019, Part IV.7.f].
6. Failed to submit a copy of the Notice of Intent ("NOI") to the local Municipal Separate Storm Sewer System ("MS4") to seek authorization to discharge. Specifically, the Respondent did not submit a copy of the NOI or electronic equivalent to the MS4 at the time the NOI was submitted to the TCEQ [30 TEX. ADMIN. CODE § 305.125(1) and TPDES GP No. TXG113019, Part II.C.3].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By April 11, 2022, submitted the DMRs for the months of April through December 2021 and January and February 2022 and the hazardous metals monitoring for 2021; and

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b. By April 11, 2022, submitted a signed copy of the Notice of Intent to the local Municipal Separate Storm Sewer System.

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

i. Develop and implement procedures and conduct employee training to:

(1) Ensure conventional pollutant samples are collected and analyzed in accordance with permit requirements;

(2) Ensure WET samples are collected and analyzed in accordance with permit requirements; and

(3) Ensure pH is analyzed within the 15-minute holding time after the sample is gathered.

ii. Submit revised DMRs to reflect the actual sample results for July 2021.

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

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Harley Hobson, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-1337; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Lucy Lozano, President, Quality Readymix, Ltd., L.L.P., 333 McBride Lane, Corpus Christi, Texas 78408

Arturo Cuellar III, Managing Member, Quality Readymix, Ltd., L.L.P., 333 McBride Lane, Corpus Christi, Texas 78408

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	13-Jun-2022	Screening	21-Jun-2022	EPA Due	
	PCW	17-Jun-2022				

RESPONDENT/FACILITY INFORMATION	
Respondent	Quality Readymix, Ltd., L.L.P.
Reg. Ent. Ref. No.	RN102802766
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	62540	No. of Violations	6
Docket No.	2022-0792-WQ-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Harley Hobson
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$12,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	-10.0% Adjustment	Subtotals 2, 3, & 7	-\$1,275
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Notes: Reduction for High Performer Classification.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$625
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$52
 Estimated Cost of Compliance: \$580
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$10,850
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$10,850
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,850
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DEFERRAL	20.0% Reduction Adjustment	-\$2,170
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$8,680
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Screening Date 21-Jun-2022

Docket No. 2022-0792-WQ-E

PCW

Respondent Quality Readymix, Ltd., L.L.P.

Policy Revision 5 (January 28, 2021)

Case ID No. 62540

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102802766

Media Water Quality

Enf. Coordinator Harley Hobson

Compliance History Worksheet

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

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	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)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer Classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date 21-Jun-2022 **Docket No.** 2022-0792-WQ-E **PCW**
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Case ID No. 62540 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102802766
Media Water Quality
Enf. Coordinator Harley Hobson

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.5(b) and Texas Pollutant Discharge Elimination System ("TPDES") General Permit ("GP") No. TXG113019, Part III.A.1.

Violation Description Failed to collect and analyze conventional pollutant samples at the intervals specified in the permit. Specifically, the Respondent did not collect and analyze the flow sample for the month of July 2021 and the flow, oil and grease, total suspended solids, and pH samples for the month of April 2022.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>
	Potential	<input type="text"/>	<input checked="" type="text" value="X"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

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

Two single events are recommended, one event for each missed monitoring activity.

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

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Quality Readymix, Ltd., L.L.P.
Case ID No. 62540
Reg. Ent. Reference No. RN102802766
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	\$250	8-Apr-2022	13-Jan-2025	2.77	\$35	n/a	\$35
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated Training/Sampling cost to develop and implement procedures and conduct employee training to ensure conventional pollutant samples are collected and analyzed in accordance with permit requirements, ensure WET samples are collected and analyzed in accordance with permit requirements, and pH is analyzed within the 15-minute holding time after the sample is gathered. The Date Required is the investigation date. The Final Date is the estimated date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance \$250

TOTAL \$35

Screening Date 21-Jun-2022 **Docket No.** 2022-0792-WQ-E **PCW**
Respondent Quality Readymix, Ltd., L.L.P. *Policy Revision 5 (January 28, 2021)*
Case ID No. 62540 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102802766
Media Water Quality
Enf. Coordinator Harley Hobson

Violation Number

Rule Cite(s)
 30 Tex. Admin. Code §§ 305.125(1) and 319.5(b) and TPDES GP No. TXG113019, Part III.A.5.

Violation Description
 Failed to collect and analyze whole effluent toxicity ("WET") samples at the intervals specified in the permit. Specifically, the Respondent did not collect and analyze WET samples for the 2021 calendar year.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes
 Human health or the environment will or could be exposed to significant amounts of pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

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

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

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Quality Readymix, Ltd., L.L.P.
Case ID No. 62540
Reg. Ent. Reference No. RN102802766
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Training/Sampling cost captured in Economic Benefit Worksheet No. 1.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

Screening Date 21-Jun-2022 **Docket No.** 2022-0792-WQ-E **PCW**
Respondent Quality Readymix, Ltd., L.L.P. *Policy Revision 5 (January 28, 2021)*
Case ID No. 62540 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102802766
Media Water Quality
Enf. Coordinator Harley Hobson

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.11(b) and (c), and TPDES GP No. TXG113019, Part IV.7.c.

Violation Description Failed to properly analyze effluent samples according to the permit. Specifically, the Respondent did not analyze a pH sample collected on July 7, 2021, within the 15-minute maximum holding time.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				3.0%
	Potential			X	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events 1 349 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$750

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

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

Violation Subtotal \$750

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

Estimated EB Amount \$0 **Violation Final Penalty Total** \$675

This violation Final Assessed Penalty (adjusted for limits) \$675

Economic Benefit Worksheet

Respondent Quality Readymix, Ltd., L.L.P.
Case ID No. 62540
Reg. Ent. Reference No. RN102802766
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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

Notes for DELAYED costs

Estimated Training/Sampling cost captured in Economic Benefit Worksheet No. 1.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

Screening Date 21-Jun-2022 **Docket No.** 2022-0792-WQ-E **PCW**
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Case ID No. 62540 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102802766
Media Water Quality
Enf. Coordinator Harley Hobson

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (12) and TPDES GP No. TXG113019, Part IV. 7. f.
Violation Description Failed to accurately report monitoring activities. Specifically, the Respondent reported no discharge for July 2021 in NetDMR, but there was a discharge event on July 7, 2021.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			X	1.0%

Matrix Notes Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 305 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

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

Violation Subtotal \$250

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

Estimated EB Amount \$4 **Violation Final Penalty Total** \$225

This violation Final Assessed Penalty (adjusted for limits) \$225

Economic Benefit Worksheet

Respondent Quality Readymix, Ltd., L.L.P.
Case ID No. 62540
Reg. Ent. Reference No. RN102802766
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	20-Aug-2021	13-Jan-2025	3.40	\$4	n/a	\$4

Notes for DELAYED costs

Estimated cost to submit updated DMRs to reflect the actual sample results for July 2021. The Date Required is the date the sample results were initially due. The Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$4

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Reg. Ent. Reference No. RN102802766
Media Water Quality
Enf. Coordinator Harley Hobson

Violation Number 5
Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d) and TPDES GP No. TXG113019, Part IV.7.f.
Violation Description Failed to timely submit monitoring results at intervals specified in the permit. Specifically, the discharge monitoring reports ("DMRs") for April through December 2021 and January and February 2022 were not submitted by the 20th day of the following month. Additionally, the hazardous metals monitoring results for 2021 were not submitted by March 31, 2022.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
			x	1.0%

Matrix Notes: Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events: 12 326 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,000

Twelve single events are recommended. One for each DMR.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/ Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

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

Violation Subtotal \$3,000

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

Estimated EB Amount \$13 **Violation Final Penalty Total** \$2,700

This violation Final Assessed Penalty (adjusted for limits) \$2,700

Economic Benefit Worksheet

Respondent Quality Readymix, Ltd., L.L.P.
Case ID No. 62540
Reg. Ent. Reference No. RN102802766
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$300	20-May-2021	11-Apr-2022	0.89	\$13	n/a	\$13

Notes for DELAYED costs

Estimated cost to submit the DMRs for the months of April through December 2021 and January and February 2022 and the hazardous metals monitoring for 2021. The Date Required is the initial DMR due date. The Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

\$13

Screening Date 21-Jun-2022 **Docket No.** 2022-0792-WQ-E **PCW**
Respondent Quality Readymix, Ltd., L.L.P. *Policy Revision 5 (January 28, 2021)*
Case ID No. 62540 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102802766
Media Water Quality
Enf. Coordinator Harley Hobson

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES GP No. TXG113019, Part II.C.3

Violation Description Failed to submit a copy of the Notice of Intent ("NOI") to the local Municipal Separate Storm Sewer System ("MS4") to seek authorization to discharge. Specifically, the Respondent did not submit a copy of the NOI or electronic equivalent to the MS4 at the time the NOI was submitted to the Texas Commission on Environmental Quality ("TCEQ").

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		X			10.0%

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

Adjustment \$22,500

\$2,500

Violation Events

Number of Violation Events 1 3 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One monthly event is recommended from the investigation date (April 8, 2022) to the compliance date (April 11, 2022).

Good Faith Efforts to Comply 25.0% Reduction \$625

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		

Notes The Respondent achieved compliance by April 11, 2022.

Violation Subtotal \$1,875

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

Estimated EB Amount \$0 **Violation Final Penalty Total** \$1,625

This violation Final Assessed Penalty (adjusted for limits) \$1,625

Economic Benefit Worksheet

Respondent Quality Readymix, Ltd., L.L.P.
Case ID No. 62540
Reg. Ent. Reference No. RN102802766
Media Water Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5	8-Apr-2022	11-Apr-2022	0.01	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit a signed copy of the NOI to the local MS4. The Date Required is the investigation date. The Final Date is the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$5

TOTAL \$0



Compliance History Report

Compliance History Report for CN601423478, RN102802766, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN601423478, Quality Readymix, Ltd., L.L.P. **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN102802766, QUALITY READY MIX **Classification:** HIGH **Rating:** 0.00

Complexity Points: 4 **Repeat Violator:** NO

CH Group: 10 - Cement and Concrete Product Manufacturing

Location: 333 McBride Lane in Corpus Christi, Nueces County, Texas

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):

AIR NEW SOURCE PERMITS REGISTRATION 52033 **AIR NEW SOURCE PERMITS ACCOUNT NUMBER** NEA004D

AIR NEW SOURCE PERMITS AFS NUM 4835500699 **WASTEWATER PERMIT** TXG113019

AIR EMISSIONS INVENTORY ACCOUNT NUMBER NEA004D

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

Date Compliance History Report Prepared: May 06, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 06, 2019 to May 06, 2024

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

Name: Harley Hobson

Phone: (512) 239-1337

Site and Owner/Operator History:

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

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

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	May 21, 2019	(1588327)	Item 17	October 20, 2020	(1695814)
Item 2	June 19, 2019	(1588328)	Item 18	November 18, 2020	(1720064)
Item 3	July 29, 2019	(1595806)	Item 19	December 15, 2020	(1720065)
Item 4	August 16, 2019	(1602030)	Item 20	January 19, 2021	(1720066)
Item 5	September 12, 2019	(1608952)	Item 21	February 19, 2021	(1733151)
Item 6	October 18, 2019	(1615804)	Item 22	March 08, 2021	(1733152)
Item 7	November 20, 2019	(1621616)	Item 23	April 16, 2021	(1733153)
Item 8	December 20, 2019	(1628953)	Item 24	May 10, 2021	(1743852)
Item 9	January 20, 2020	(1636575)	Item 25	July 08, 2021	(1748914)
Item 10	February 18, 2020	(1643188)	Item 26	August 04, 2021	(1754244)
Item 11	March 11, 2020	(1649693)	Item 27	September 01, 2021	(1769026)
Item 12	April 08, 2020	(1656092)	Item 28	September 28, 2021	(1769027)
Item 13	May 20, 2020	(1662610)	Item 29	October 28, 2021	(1780191)
Item 14	July 20, 2020	(1676129)	Item 30	November 29, 2021	(1786315)
Item 15	August 19, 2020	(1682927)	Item 31	January 04, 2022	(1793224)
Item 16	September 18, 2020	(1689455)	Item 32	January 28, 2022	(1801049)

Item 33	February 28, 2022	(1808867)	Item 46	March 28, 2023	(1901687)
Item 34	March 28, 2022	(1816019)	Item 47	April 10, 2023	(1908468)
Item 35	June 03, 2022	(1831966)	Item 48	May 26, 2023	(1915597)
Item 36	June 09, 2022	(1831965)	Item 49	July 05, 2023	(1922246)
Item 37	June 28, 2022	(1838344)	Item 50	July 31, 2023	(1929211)
Item 38	August 01, 2022	(1845431)	Item 51	August 28, 2023	(1936074)
Item 39	August 30, 2022	(1851960)	Item 52	October 03, 2023	(1942329)
Item 40	October 03, 2022	(1859374)	Item 53	October 30, 2023	(1949084)
Item 41	October 31, 2022	(1865710)	Item 54	November 28, 2023	(1954753)
Item 42	November 28, 2022	(1872599)	Item 55	December 28, 2023	(1964548)
Item 43	December 28, 2022	(1878473)	Item 56	January 30, 2024	(1971168)
Item 44	February 01, 2023	(1885379)	Item 57	February 28, 2024	(1980168)
Item 45	February 28, 2023	(1893109)			

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
QUALITY READYMIX, LTD., L.L.P.
RN102802766

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-0792-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 Quality Readymix, Ltd., L.L.P. (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 concrete batch plant located at 333 McBride Lane in Corpus Christi, Nueces County, Texas (the "Plant"). The Plant 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 \$10,850 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$8,680 of the penalty and \$2,170 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.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. By April 11, 2022, submitted the discharge monitoring reports ("DMRs") for the months of April through December 2021 and January and February 2022 and the hazardous metals monitoring for 2021; and
 - b. By April 11, 2022, submitted a signed copy of the Notice of Intent ("NOI") to the local Municipal Separate Storm Sewer System ("MS4").

II. ALLEGATIONS

During an investigation at the Plant conducted on April 8, 2022, an investigator documented that the Respondent:

1. Failed to collect and analyze conventional pollutant samples at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b) and Texas Pollutant Discharge Elimination System ("TPDES") General Permit ("GP") No. TXG113019, Part III.A.1. Specifically, the Respondent did not collect and analyze the flow sample for the month of July 2021 and the flow, oil and grease, total suspended solids, and pH samples for the month of April 2022.
2. Failed to collect and analyze whole effluent toxicity ("WET") samples at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b) and TPDES GP No. TXG113019, Part III.A.5. Specifically, the Respondent did not collect and analyze WET samples for the 2021 calendar year.
3. Failed to properly analyze effluent samples according to the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(b) and (c) and TPDES GP No. TXG113019, Part IV.7.c. Specifically, the Respondent did not analyze a pH sample collected on July 7, 2021, within the 15-minute maximum holding time.
4. Failed to accurately report monitoring activities, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (12) and TPDES GP No. TXG113019, Part IV.7.f. Specifically, the Respondent reported no discharge for July 2021 in NetDMR but there was a discharge event on July 7, 2021.
5. Failed to timely submit monitoring results at intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES GP No.

TXG113019, Part IV.7.f. Specifically, the DMRs for April through December 2021 and January and February 2022 were not submitted by the 20th day of the following month. Additionally, the hazardous metals monitoring results for 2021 were not submitted by March 31, 2022.

6. Failed to submit a copy of the NOI to the local MS4 to seek authorization to discharge, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES GP No. TXG113019, Part II.C.3. Specifically, the Respondent did not submit a copy of the NOI or electronic equivalent to the MS4 at the time the NOI was submitted to the TCEQ.

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: Quality Readymix, Ltd., L.L.P., Docket No. 2022-0792-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. Develop and implement procedures and conduct employee training to:
 - (1) Ensure conventional pollutant samples are collected and analyzed in accordance with permit requirements;
 - (2) Ensure WET samples are collected and analyzed in accordance with permit requirements; and
 - (3) Ensure pH is analyzed within the 15-minute holding time after the sample is gathered.
 - ii. Submit revised DMRs to reflect the actual sample results for July 2021.
 - 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 and 2.a.ii. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
500 North Shoreline Boulevard, Suite 500
Corpus Christi, Texas 78401

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 Plant 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. 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.
7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this

Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

8/21/2024


Date

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

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

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

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



Signature

7/18/24

Date

Arturo Cuellar III

Name (Printed or typed)
Authorized Representative of
Quality Readymix, Ltd., L.L.P.

Managing Member

Title

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

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.