

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 62734  
**Highway 19 Construction LLC**  
RN111481941  
Docket No. 2022-1082-MLM-E

Page 1 of 2

**Order Type:**  
Agreed Order

**Media:**  
MLM: APO and AIR

**Small Business:**  
Yes

**Location Where Violations Occurred:**  
2034 Highway 19 South, Sulphur Springs, Hopkins County

**Type of Operation:**  
aggregate production operation (“APO”) and a portable rock crusher

**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:** September 5, 2025

**Comments Received:** None

**Penalty Information**

<b>Total Penalty Assessed:</b>	\$115,000
<b>Total Paid to General Revenue:</b>	\$115,000
<b>Total Due to General Revenue:</b>	\$0

**Compliance History Classifications:**  
Person/CN – Unclassified  
Site/RN – Unclassified

**Major Source:** No

**Statutory Limit Adjustment:** \$86,000 (enhancement)

**Applicable Penalty Policy:** January 28, 2021

**Investigation Information**

**Complaint Dates:** April 9, 2022; June 21, 2022; July 21, 2022  
*Complaint Information:* Alleged dust and air quality complaints.

**Date of Investigation:** April 18, 2022

**Date of NOV:** None

**Date of NOE:** August 5, 2022

**Violation Information**

1. Failed to register the Site as an aggregate production operation (“APO”) [30 TEX. ADMIN. CODE § 342.25].
2. Failed to obtain permit/authorization to operate a rock crusher [TEX. HEALTH AND SAFETY CODE § 382.0518 and 30 TEX. ADMIN. CODE § 116.110(a)].

**Corrective Actions/Technical Requirements**

**Corrective Actions Completed:**

1. By April 29, 2022, obtained authorization to operate the rock crusher.
2. By May 3, 2022, registered the Site as an APO.

**Technical Requirements:**

None

**Litigation Information**

**Date Petitions Filed:** January 5, 2024; February 9, 2024; May 21, 2025  
**Dates of Service:** unclaimed; February 23, 2024; June 5, 2025  
**Settlement Date:** August 6, 2025

**Contact Information**

**TCEQ Attorneys:** Casey Kurnath, 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:** Megan Crinklaw, Enforcement Division, (817) 588-5865

**TCEQ Regional Contact:** Michelle Baetz, Tyler Regional Office, (903) 535-5100

**Respondent Contact:** Juan Yanez, Highway 19 Construction LLC, 103 County Road 4671, Sulphur Springs, Texas 75482

**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>	8-Aug-2022	<b>Screening</b>	10-Aug-2022	<b>EPA Due</b>	
	<b>PCW</b>	26-Oct-2022				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Highway 19 Construction LLC PCW No. 1				
<b>Reg. Ent. Ref. No.</b>	RN111481941				
<b>Facility/Site Region</b>	5-Tyler	<b>Major/Minor Source</b>	Minor		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	62734	<b>No. of Violations</b>	1		
<b>Docket No.</b>	2022-1082-MLM-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>	Cheryl Thompson		
		<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>	\$2,000
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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%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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<b>Notes</b>	No adjustment for Compliance History.
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<b>Culpability</b>	No	0.0%	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$500
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<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$1	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$500	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$1,500
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
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<b>Final Penalty Amount</b>	\$1,500
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$5,000
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<b>Notes</b>	The final assessed penalty has been adjusted to meet the statutory requirements of Tex. Water Code § 28A.102.
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<b>DEFERRAL</b>	0.0%	<b>Reduction</b>	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral not offered for non-expedited settlement.
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<b>PAYABLE PENALTY</b>	\$5,000
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<b>Screening Date</b>	10-Aug-2022	<b>Docket No.</b>	2022-1082-MLM-E	<b>PCW</b>
<b>Respondent</b>	Highway 19 Construction LLC PCW No. 1			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	62734			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN111481941			
<b>Media</b>	Aggregate Production Operation			
<b>Enf. Coordinator</b>	Cheryl Thompson			

### 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>	10-Aug-2022	<b>Docket No.</b>	2022-1082-MLM-E	<b>PCW</b>
<b>Respondent</b>	Highway 19 Construction LLC PCW No. 1			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	62734			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN111481941			
<b>Media</b>	Aggregate Production Operation			
<b>Enf. Coordinator</b>	Cheryl Thompson			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 342.25			
<b>Violation Description</b>	Failed to register the Site as an aggregate production operation.			
		<b>Base Penalty</b>	\$20,000	

<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>OR</b>	<b>Release</b>	<b>Harm</b>			
		Major	Moderate	Minor	
	Actual				<b>Percent</b> 0.0%
	Potential				

<b>&gt;&gt; Programmatic Matrix</b>					
	Falsification	Major	Moderate	Minor	
		x			<b>Percent</b> 10.0%
<b>Matrix Notes</b>	100% of the rule requirements were not met.				
		<b>Adjustment</b>	\$18,000		
			\$2,000		

<b>Violation Events</b>				
Number of Violation Events		1	15	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
		One single event is recommended.		
		<b>Violation Base Penalty</b>	\$2,000	

<b>Good Faith Efforts to Comply</b>		25.0%	<b>Reduction</b>	\$500
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary			
	Ordinary	x		
	N/A			
	<b>Notes</b>	The Respondent achieved compliance on May 3, 2022.		
		<b>Violation Subtotal</b>	\$1,500	

<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>	\$1	<b>Violation Final Penalty Total</b>	\$1,500
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$5,000	

## Economic Benefit Worksheet

**Respondent** Highway 19 Construction LLC PCW No. 1  
**Case ID No.** 62734  
**Reg. Ent. Reference No.** RN111481941  
**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				0.00	\$0	n/a	\$0
Other (as needed)	\$500	18-Apr-2022	3-May-2022	0.04	\$1	n/a	\$1

Notes for DELAYED costs

Estimated Other Cost to register the Site as an aggregate production operation. Date Required is the investigation date, and 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

\$500

**TOTAL**

\$1



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	8-Aug-2022	<b>Screening</b>	10-Aug-2022	<b>EPA Due</b>	
	<b>PCW</b>	26-Oct-2022				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Highway 19 Construction LLC PCW No. 2				
<b>Reg. Ent. Ref. No.</b>	RN111481941				
<b>Facility/Site Region</b>	5-Tyler	<b>Major/Minor Source</b>	Minor		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	62734	<b>No. of Violations</b>	1
<b>Docket No.</b>	2022-1082-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>	Water Quality	<b>Enf. Coordinator</b>	Cheryl Thompson
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$10,000	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$27,500
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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%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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<b>Notes</b>	No adjustment for Compliance History.
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<b>Culpability</b>	No	0.0%	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$1	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	#NAME?	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$27,500
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	The statutory limit of \$10,000 for Violation No. 1 (operating a rock crusher) was applied since the Respondent did not have an active TCEQ permit registration at the time of the investigation. Each day that a continuing violation occurs is a separate violation.
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<b>Final Penalty Amount</b>	\$27,500
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$110,000
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<b>DEFERRAL</b>	0.0%	<b>Reduction</b>	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral not offered for non-expedited settlement.
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<b>PAYABLE PENALTY</b>	\$110,000
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<b>Screening Date</b>	10-Aug-2022	<b>Docket No.</b>	2022-1082-MLM-E	<b>PCW</b>
<b>Respondent</b>	Highway 19 Construction LLC PCW No. 2			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	62734			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN111481941			
<b>Media</b>	Air			
<b>Enf. Coordinator</b>	Cheryl Thompson			

### 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)

N/A

**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>	10-Aug-2022	<b>Docket No.</b>	2022-1082-MLM-E	<b>PCW</b>
<b>Respondent</b>	Highway 19 Construction LLC PCW No. 2			
<b>Case ID No.</b>	62734			
<b>Reg. Ent. Reference No.</b>	RN111481941			
<b>Media</b>	Air			
<b>Enf. Coordinator</b>	Cheryl Thompson			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 116.110(a) and Tex. Health & Safety Code § 382.0518			
<b>Violation Description</b>	Failure to obtain permit/authorization to operate a rock crusher.			
		<b>Base Penalty</b>	\$25,000	

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

<b>OR</b>	<b>Release</b>	<b>Harm</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	Actual					
	Potential					
						<b>Percent</b> 0.0%

**>> Programmatic Matrix**

<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	x			
				<b>Percent</b> 10.0%
<b>Matrix Notes</b>	100% of the rule requirements were not met.			
				<b>Adjustment</b> \$22,500

\$2,500

**Violation Events**

Number of Violation Events	11	11	Number of violation days
daily	x		
weekly			
monthly			
quarterly			
semiannual			
annual			
single event			
<b>Violation Base Penalty</b> \$27,500			
Eleven daily events are recommended from the investigation date (April 18, 2022) to the compliance date (April 29, 2022).			

**Good Faith Efforts to Comply**

	<b>0.0%</b>		<b>Reduction</b> \$0
Extraordinary			
Ordinary			
N/A	x		
Notes	The Respondent achieved compliance on April 29, 2022.		
<b>Violation Subtotal</b> \$27,500			

**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$1		<b>Violation Final Penalty Total</b> \$27,500
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$110,000			

## Economic Benefit Worksheet

**Respondent** Highway 19 Construction LLC PCW No. 2  
**Case ID No.** 62734  
**Reg. Ent. Reference No.** RN111481941  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	18-Apr-2022	29-Apr-2022	0.03	\$1	n/a	\$1

Notes for DELAYED costs

Estimated Other Cost to to obtain permit/authorization to operate a rock crusher. Date required is the investigation date, and 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

\$500

**TOTAL**

\$1

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 CN604496000, RN111481941, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

**Customer, Respondent, or Owner/Operator:** CN604496000, Highway 19 Construction LLC  
**Classification:** UNCLASSIFIED  
**Rating:** -----

**Regulated Entity:** RN111481941, PORTABLE CRUSHER NO 1 AT HOPKINS COUNTY  
**Classification:** NOT APPLICABLE  
**Rating:** N/A

**Complexity Points:** N/A  
**Repeat Violator:** N/A

**CH Group:** 04 - Mining

**Location:** 2034 Highway 19 South in Sulphur Springs, Hopkins County, Texas

**TCEQ Region:** REGION 05 - TYLER

**ID Number(s):**  
**AIR QUALITY NON PERMITTED ID NUMBER** R5111481941  
**STORMWATER PERMIT** TXR05FR21  
**AGGREGATE PRODUCTION OPERATION REGISTRATION** AP0003700

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

**Date Compliance History Report Prepared:** August 10, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** August 10, 2017 to August 10, 2022

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Cheryl Thompson  
**Phone:** (817) 588-5865

## Site and Owner/Operator History:

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

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

**A. Final Orders, court judgments, and consent decrees:**  
N/A

**B. Criminal convictions:**  
N/A

**C. Chronic excessive emissions events:**  
N/A

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

**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 8/10/2017 and 8/10/2022**

N/A

**Appendix B**

**All Investigations Conducted During Component Period August 10, 2017 and August 10, 2022**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT  
ACTION CONCERNING  
HIGHWAY 19 CONSTRUCTION LLC;  
RN111481941

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER

DOCKET NO. 2022-1082-MLM-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 Highway 19 Construction LLC ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 28A, and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent together stipulate that:

1. Respondent owns and operates an aggregate production operation ("APO") and a portable rock crusher located at 2034 Highway 19 South in Sulphur Springs, Hopkins County, Texas (the "Site"). The Site consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12). Respondent is a responsible party because Respondent is an owner, operator, and/or lessor of an APO. The Site is an APO because aggregates are being or have been removed or extracted from the Site's earth. The terms "responsible party," "owner," "operator," "lessor," "aggregate production operation," and "aggregates" are defined in TEX. WATER CODE § 28A.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 ch. 28A, TEX. HEALTH & SAFETY CODE ch. 382, 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 \$115,000 is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid \$115,000 of the penalty.
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.

9. The Executive Director recognizes that Respondent implemented the following corrective measures at the Site:
  - a. By April 29, 2022, obtained authorization to operate the rock crusher; and
  - b. By May 3, 2022, registered the Site as an APO.

## II. ALLEGATIONS

1. During an investigation conducted on April 18, 2022, an investigator documented that Respondent:
  - a. Failed to register the Site as an APO, in violation of 30 TEX. ADMIN. CODE § 342.25; and
  - b. Failed to obtain permit/authorization to operate a rock crusher, in violation of TEX. HEALTH & SAFETY CODE § 382.0518 and 30 TEX. ADMIN. CODE § 116.110(a).

## 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.
2. All relief not expressly granted in this Order is denied.
3. 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.
4. 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.
5. 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.
6. 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.
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


\_\_\_\_\_  
September 22, 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 - Juan Yanez  
Highway 19 Construction LLC  
103 County Road 4671  
Sulphur Springs, Texas 75482

\_\_\_\_\_  
Date

8/6/25

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